Mission Statement
The District of Peachland exists to provide affordable, quality local services to taxpayers, residents, and businesses. Council engages the community in two-way exchanges to fully understand the community’s needs and aspirations - Council’s decisions for and on behalf of the community are based on this understanding.

1. CALL TO ORDER
2. AMENDMENTS TO THE AGENDA
3. APPROVAL OF THE AGENDA
4. PRESENTATIONS & DELEGATIONS
5. ADOPTION OF MINUTES
   A. Regular Council Meeting held Tuesday, May 28, 2019
   B. Special Council Meeting held Tuesday, May 28, 2019
6. UNFINISHED BUSINESS
7. COMMITTEE & STAFF REPORTS
   A. Minutes to be received for information:
      • COTW held Tuesday, May 28, 2019
      • Mayor's Task Force on Climate Change held Wednesday, March 20, 2019
      • Healthy Watersheds Committee held Wednesday, March 20, 2019
   B. Councillors’ Committee Reports

Department Reports for the Month of May
   A. Community Services
   B. Corporate Services
8. **ADMINISTRATION & FINANCE**

9. **PLANNING & DEVELOPMENT**
   
   A. Cannabis Report – Key Decision Points
      
      *Request for Decision*

   B. 2018 Climate Action Revenue Incentive Program (CARIP) Report
      
      *Information Report*

10. **PUBLIC WORKS**

11. **COMMUNITY SERVICES AND RECREATION**

   A. Food Vending and Food Trucks at Events
      
      *Request for Decision*

12. **MAYOR & COUNCILLORS’ REPORTS**

13. **NOTICE OF MOTION**

14. **CORRESPONDENCE**

   **14.1 For Action:**

   A. Licence Inspectors’ and Bylaw Officers’ Association of BC
      
      *Re: Funding Request*

   **14.2 For Information:**

15. **OTHER BUSINESS**

16. **QUESTION PERIOD**

17. **ADJOURNMENT**

   Polly Palmer
   Corporate Officer
   June 6, 2019
THE CORPORATION OF THE DISTRICT OF PEACHLAND

Regular Council Meeting Minutes
Held Tuesday, May 28, 2019 at 7 PM
In the Council Chambers – Community Centre

PRESENT:
Mayor Fortin, Councillors Condon, Coolio, Cunningham, Fielding, Kent, and Van Minsel
CAO Elsie Lemke
Corporate Officer Polly Palmer
Director of Operations Joe Mitchell
Director of Planning Darin Schaal
Members of the Public
Members of the Media

ABSENT: Nil.

CALL TO ORDER
Mayor Fortin called the meeting to order at 7:00 p.m.

AMENDMENTS TO THE AGENDA

APPROVAL OF THE AGENDA
MOVED by Councillor Cunningham, SECONDED by Councillor Van Minsel:
RC-28/05/19-001 THAT the agenda be approved as presented.
CARRIED.

PRESENTATIONS & DELEGATIONS

ADOPTION OF MINUTES

REGULAR COUNCIL SPECIAL COUNCIL
MOVED by Councillor Kent, SECONDED by Councillor Fielding:
RC-28/05/19-002 THAT the following minutes be approved as presented:
- Regular Council Meeting held Tuesday, May 14, 2019
- Special Council Meeting held Tuesday, May 14, 2019
CARRIED.

UNFINISHED BUSINESS

COMMITTEE & STAFF REPORTS

MINUTES TO BE RECEIVED FOR INFORMATION
MOVED by Councillor Kent, SECONDED by Councillor Cunningham:
RC-28/05/19-003 THAT the following minutes be received for information:
- COTW Meeting held Tuesday, May 14, 2019
- Tourism Promotion Committee Minutes held Wednesday, April 17, 2019
- Peachland Economic Development Committee Minutes held Thursday, March 21, 2019
CARRIED.
ADMINISTRATION & FINANCE

The Travel and Expenses Policy FIN-210 was presented with a proposed amendment to add general wording that included unforeseen expenses.

MOVED by Councillor Cunningham, SECONDED by Councillor Van Minsel:

RC-28/05/19-004 THAT Travel and Expense Policy FIN-210 remains unchanged.

CARRIED.

Councillor Condon OPPOSED.

Councillor Fielding OPPOSED.

BC TRANSIT ANNUAL OPERATING AGREEMENT 2019/2020

The BC Transit 2019/2020 Kelowna Regional and Peachland Annual Operating Agreement was presented.

MOVED by Councillor Van Minsel, SECONDED by Councillor Fielding:

RC-28/05/19-005 THAT Council approves the 2019/2020 Kelowna Regional and Peachland Annual Operating Agreement effective April 1, 2019;

AND THAT Council authorizes the Mayor and Director of Corporate Services to execute the above named agreement.

CARRIED.

PLANNING & DEVELOPMENT

DEVELOPMENT VARIANCE PERMIT DVP19-03 – 5760 & 5766 BEACH AVENUE

Mayor Fortin presented DVP19-03 for reconsideration. The variance proposes to allow installation of a temporary construction fence meshing with signage at 5762 & 5766 Beach Avenue.

Discussion ensued relative to:

- No issues with the sight lines
- The signage will hide the construction site
- Would like to see more art work than advertising along the fencing
- Non supportive of the size of signage, it is similar to billboards
- Several communities use this type of signage to hide construction sites
- Useful for dust mitigation
- Staff will ensure that the sight lines will remain un-obstructive

MOVED by Councillor Cunningham, SECONDED by Councillor Van Minsel:

RC-28/05/19-006 THAT Council authorize the issuance of Development Variance Permit DVP19-03 for the properties located at 5760 & 5766 Beach Avenue (Lot 1 & 2, Block 5, DL 490 ODYD Plan KAP44) to vary Sign Bylaw No. 2158, Section 11.5 Regulating Signs Not Requiring a Permit, to increase the maximum allowable size of a temporary construction sign from 6.0 m² (64.6 ft²) to 81.76 m² (880 ft²).

CARRIED.
DEVELOPMENT
VARIANCE PERMIT
DVP19-03 CONT.

Councillor Coolio OPPOSED.
Councillor Condon OPPOSED.
Councillor Fielding OPPOSED.

PUBLIC WORKS

BC TIMBER SALES
FORESTRY CUT
BLOCK AND ROAD
REFERRAL

Director of Operations, Joe Mitchell, presented BC Timber Sales Forestry Cut Block and Road Referral #18046-30/BCTS FSP 2006, within Peachland's Watershed.

MOVED by Councillor Kent, SECONDED by Councillor Condon:

RC-28/05/19-007 THAT Council opposes the BC Timber Sales Referral #18046-30/BCTS FSP 2006. Should forestry operations continue regardless, the District notes the following conditions:

- Recommendations from Peachland Watershed and Source Protection Plan (Golder - 2010) and Best Management Practices to protect source water are followed;
- Restrictions on logging truck traffic on Princeton Avenue (Monday to Friday 7am-5pm) and load limits (maximum 10 loads per company per day) are adhered to;
- Confirmation is received that the development of these blocks and access roads will not have any water quality impacts on the flow in Glen Lake or the unnamed tributaries in the vicinity;
- Confirmation that any new roads constructed to access the blocks in this referral be fully restored after harvesting;
- That representatives from the District of Peachland be notified and invited to attend the start-up meeting, midpoint of the project and at the final check off/harvesting sign off;
- That BC Timber Sales institutes a 50% increase in buffer distance around all streams/lakes regardless of the classification, and;
- Note that the District of Peachland is opposed to any increase in permanent roads in the watershed due to the water quality issues related to the current inventory.

CARRIED.

COMMUNITY SERVICES AND RECREATION

MAYOR & COUNCILLORS' REPORTS

COUNCILLOR CUNNINGHAM

Councillor Cunningham reported that she attended the Peachland World of Wheels.

MAYOR FORTIN

Mayor Fortin reported that she attended:

- Peachland World of Wheels
- Regional District of Central Okanagan Meeting
- Mayor's Task Force on Climate Change Meeting
- Healthy Watersheds Committee Meeting
- Make Water Work launch

NOTICE OF MOTION

CORRESPONDENCE
FOR ACTION:

FOR INFORMATION:

OTHER BUSINESS

QUESTION PERIOD

ADJOURNMENT

MOVED by Councillor Cunningham:

RC-28/05/19-008 THAT the meeting be adjourned at 7:17 p.m. CARRIED.

Certified Correct.

Corporate Officer                     Mayor

Dated at Peachland, B.C.

This 11th day of June, 2019.
THE CORPORATION OF THE DISTRICT OF PEACHLAND

Special Council Meeting Minutes
Held Tuesday, May 28, 2019 at 9 AM
In the Council Chambers – Community Centre

PRESENT:
Mayor Fortin, Councillors Condon, Coolio, Cunningham, Fielding, Kent, and Van Minsel

CAO Elsie Lemke
Corporate Officer Polly Palmer
Director of Operations Joe Mitchell
Director of Planning Darin Schaal

Members of the Public
Members of the Media

ABSENT:
Nil.

CALL TO ORDER
Mayor Fortin called the meeting to order at 9:00 a.m.

APPROVAL OF THE AGENDA
MOVED by Councillor Cunningham, SECONDED by Councillor Condon:
SC-28/05/19-001 THAT the agenda be approved as presented.
CARRIED.

REPORTS / DISCUSSION
MOVED by Councillor Van Minsel, SECONDED by Councillor Kent:
SC-28/05/19-002 THAT an In Camera Meeting be held Tuesday, May 29, 2019, at 1:00 p.m., pursuant to the Community Charter:
- Section 90 (2) (b) [the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party]
CARRIED.

ADJOURNMENT
MOVED by Councillor Cunningham:
SC-28/05/19-003 THAT the meeting be adjourned at 9:01 a.m.
CARRIED.

Certified Correct.

Corporate Officer Mayor

Dated at Peachland, B.C.

This 11th day of June, 2019.
PRESENT: Mayor Fortin, Councillors Condon, Coolio, Cunningham, Fielding, Kent, and Van Minsel

CAO Elsie Lemke
Corporate Officer Polly Palmer
Director of Operations Joe Mitchell
Director of Planning Darin Schaal

Members of the Public
Members of the Media

ABSENT:

CALL TO ORDER
Mayor Fortin called the meeting to order at 9:02 a.m.

AMENDMENTS TO AGENDA
Nil.

APPROVAL OF THE AGENDA
MOVED by Councillor Kent:
COTW-28/05/19-001 THAT the agenda be approved as presented.
CARRIED.

PRESENTATIONS AND DELEGATIONS

ADOPTION OF MINUTES

COTW MEETING
MOVED by Councillor Kent:
COTW-28/05/19-002 THAT the COTW Meeting Minutes held Tuesday, May 14, 2019 be approved as presented.
CARRIED.

REPORTS / DISCUSSION

TRAVEL AND EXPENSE POLICY FIN-210
Chief Administrative Officer, Elsie Lemke, presented a report regarding the proposed Travel and Expenses Policy FIN-210 Amendment. The following proposed amendment was brought forward through a Notice of Motion at the May 14th, 2019 Council meeting:

“THAT staff bring forward an amendment to Policy FIN-210 to include the following words immediately above the list of approved expenses: “All reasonable expenses actually accrued in conducting the business of the District will be paid, including but not limited to…..”
Discussion ensued relative to the reasoning for the proposed amendment:

- Recognizing the prescribed list in the policy is not an inclusive list and would like to provide a mechanism to allow other business expenses to be included;
- Would like to see unforeseen expenses be considered for approval

Further discussion ensued relative to:

- The proposed wording for the policy being ambiguous
- Would like to add specific items to the schedule of approved expenses rather than adding subjective decision making to what is legitimate and what is not a legitimate expense.
- The ability for Council to bring forward additional expenses that are not listed in the policy for consideration by Council

MOVED by Councillor Cunningham:

COTW-28/05/19-003 THAT COTW recommend to Council that Travel and Expense Policy FIN-210 remains unchanged.  
CARRIED.
Councillor Condon OPPOSED.
Councillor Fielding OPPOSED.

The BC Transit 2019/2020 Kelowna Regional and Peachland Annual Operating Agreement was presented.

It was noted that there is a $6,000 increase is due to inflation, fuel cost and labour cost.

Discussion ensued relative to:

- The cost for Para-Transit ($162,000) relevant to the conventional service
- HandyDart not being affordable for Peachland because there isn’t enough demand

Councillor Kent left the meeting at 9:33 am
Councillor Kent returned to the meeting at 9:34 am

It was asked, what is meant by “variable costs are impacted by a 3.2% decrease in service hours?”

Staff will bring forward this information to Council.

MOVED by Councillor Cunningham:

COTW-28/05/19-004 THAT COTW recommend that Council approves the 2019/2020 Kelowna Regional and Peachland Annual Operating Agreement effective April 1, 2019;

AND THAT Council authorizes the Mayor and Director of Corporate Services to execute the above named agreement. 
CARRIED.
Director of Operations, Joe Mitchell, presented BC Timber Sales Forestry Cut Block and Road Referral #18046-30/BCTS FSP 2006, within Peachland’s Watershed.

It was noted that the Peachland Healthy Watershed Committee is hesitant to support any further logging in Peachland’s watersheds, until a comprehensive watershed assessment is prepared, along with a stakeholder engagement plan.

MOVED by Councillor Cunningham:

COTW-28/05/19-005 THAT COTW recommend that Council opposes the BC Timber Sales Referral #18046-30/BCTS FSP 2006. Should forestry operations continue regardless, the District notes the following conditions:

- Recommendations from Peachland Watershed and Source Protection Plan (Golder - 2010) and Best Management Practices to protect source water are followed;
- Restrictions on logging truck traffic on Princeton Avenue (Monday to Friday 7am-5pm) and load limits (maximum 10 loads per company per day) are adhered to;
- Confirmation is received that the development of these blocks and access roads will not have any water quality impacts on the flow in Glen Lake or the unnamed tributaries in the vicinity;
- Confirmation that any new roads constructed to access the blocks in this referral be fully restored after harvesting;
- That representatives from the District of Peachland be notified and invited to attend the start up meeting, midpoint of the project and at the final check off/harvesting sign off;
- That BC Timber Sales institutes a 50% increase in buffer distance around all streams/lakes regardless of the classification, and;
- Note that the District of Peachland is opposed to any increase in permanent roads in the watershed due to the water quality issues related to the current inventory.

CARRIED.

Chief Administrative Officer, Elsie Lemke, presented an information report with respect to adopting a Council Code of Conduct.

Discussion ensued relative to the intention of the draft Code of Conduct is to provide for general standards of conduct that reflect the foundational principles of integrity, respect, accountability and leadership and collaboration.

MOVED by Councillor Van Minsel:

COTW-28/05/19-006 THAT a workshop style format be arranged to continue the discussion and finalize the content of the draft Code of Conduct.

CARRIED.

MOVED by Councillor Cunningham:

COTW-28/05/19-007 THAT the meeting be adjourned at 9:49 am.

CARRIED.
AGENDA ITEM # 7.A.

OTHER BUSINESS

ADJOURNMENT

Certified Correct.

__________________________________________  __________________________________________
Corporate Officer                              Mayor

Dated at Peachland, B.C.

This 11th day of June, 2019.
AGENDA ITEM # 7.A.

The Peachland Mayor’s Task Force Committee on Climate Change

Meeting Minutes for March 20, 2019

Participants: Mayor Fortin, Jack Gerow, Darlene Romanko, Patrick Van Minsel, Matt Faucher, Ralf Koehler and Rick Ingram via telephone conference line.

Meeting Begins at 13:38

Agenda as distributed on March 18, 2019. Discussion items were as follows:

1. Decision to remove item #5 of today’s agenda, dealing with the Green Citizen Award.
   a) Motion by Patrick to hold an in-camera meeting following the regular committee meeting in order to resolve the election of a Green Citizen. Reason: An 'in camera' meet to discuss personal information about an identifiable individual(s) who are being considered for a municipal award or honour. Carried

2. Adoption of last meeting’s minutes, moved by Patrick. Carried

3. The 2018 Annual Committee Report is to be forwarded to Council shortly.
   a. A change of the presentation of the new EV charging station was discussed, led by Mayor Fortin.
   b. Some changes for the Library Resource Display were suggested; will be follow-up by Rick.
   c. Minor changes in the wording of the work plan for 2019 committee goals were suggested by Mayor Fortin.
   d. Motion by Jack to approve the report as amended. Carried

4. Use of the Library Resource Display for the upcoming World Water Day on March 22, 2019
   a. Request to disassemble the stand and reassemble it in the Community Centre for that event
   b. Moved by Jack to approve the use of the library display for World Water Day. Carried

5. Partners for Climate Protection
   a. Request to present the PCA program to Council
   b. PowerPoint presentation by Rick was briefly reviewed
   c. An added 10-point resolution was asked for, to be ready by 09Apr2019 (Partners for Climate Protection)
   d. Motion by Patrick to present the PCA program to Council and ask that the District sign on to the program. Carried

6. Review of graphic representation of current versus typical snow levels at Brenda Mine area; our snow pack this season is in the normal tolerance range.

7. Discussion of Risk Management and Emergency Planning. It was suggested that Peachland’s representation in the Regional District is actually somewhat insufficient and should be expanded; this will be an agenda item for the next meeting.

8. Discussion of the effectiveness of Peachland highway signage during unusual events and emergency situations. The intent is to better clarify the situation to motorists and indicate free access to local businesses and facilities.

9. Brief mentioning of the Water Quality Improvement Award.

10. Issuance of ground water licenses. Water wells for irrigation and household use require formal licensing, which has to be applied for in time.
11. Water Conservation Initiative "Make Water Work" is encouraging more people to sign up for their participation.

12. Inquiry about potential federal monetary grants on 'Green Projects' for our municipality. The sooner we apply, the better our chances. Research for such grants is to follow; we need to identify potentially qualifying projects.

13. Distribution of the Report from the Okanagan Basin Water Board. Motion by Patrick to receive the report for information. Carried

14. Discussion about a School-based Action Program, to be developed in order to get Peachland families more involved in 'green projects'.

15. Motion to include Ralf's compendium of fuel and energy-saving and water-saving action items as working material for the MTFCC committee. Moved by Ralf. Carried

Meeting Adjourned at 14:39

<table>
<thead>
<tr>
<th>Cindy Fortin</th>
<th>Polly Palmer</th>
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<tr>
<td>Chair, Mayor Cindy Fortin</td>
<td>Corporate Officer, Polly Palmer</td>
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Adopted on this 15th Day of May 2019
Peachland Healthy Watersheds Committee
Meeting of March 20, 2019, 3:30p.m. in Council Chambers

Minutes

Present: Mayor Fortin, Councillor Coolio (arrived 4:23pm), Jack Gerow, Chris King, Mark Meisner, Stephanie Paul, Darlene Romanko

Regrets: Leanne Sarsons

Staff Support: Else Lemke

Guest: Doug Wahl, BC Forest Practices Board

CALL TO ORDER
Mayor Fortin called the meeting to order at 3:32pm.

AMENDMENT/APPROVAL OF THE AGENDA
MOVED by Darlene Romanko
THAT the agenda dated March 20, 2019 be approved as presented

CARRIED

ADOPTION OF THE JANUARY 23, 2019 MEETING MINUTES
MOVED by Darlene Romanko
THAT the minutes of January 23, 2019 be approved as amended.
Amendment: Meetings will also be held on an ad hoc basis as needed for urgent referrals. Moved by Stephanie Paul.

CARRIED

PRESENTATION AND DISCUSSION WITH DOUG WAHL, BC FOREST PRACTICES BOARD
Doug Wahl presented to the committee on a variety of topics related to the Forest Practices Board, watershed governance in BC., the challenges of working with stakeholders and being able to really know what is going on in the watersheds. Mr. Wahl agreed to provide his Powerpoint presentation to the committee. Discussion ensued during and after Mr. Wahl’s presentation.

MOVED by Darlene Romanko
To receive Doug Wahl’s report.

CARRIED

DISCUSSION OF COMMITTEE TERMS OF REFERENCE AND 2019 GOALS
Discussion ensued regarding the role of the Healthy Watersheds Committee and the best ways to bring about positive change in the watersheds. It was agreed to continue the discussion with a strategic planning session at next meeting.
OTHER BUSINESS

Mayor Fortin distributed the 2018 PHWC annual report. Discussion ensued regarding strategic planning going forward, the committee’s budget and what to spend it on.

MOVED by Darlene Romanko

THAT the annual report be received.

CARRIED

ADJOURNMENT

MOVED by Mayor Fortin

That the meeting be adjourned at 5:29pm.

CARRIED

NEXT MEETING

May 15, 2019 AT 3:30PM in Council Chambers

Certified Correct:

Cindy Fortis
Chair

Polly Palmer
Corporate Officer

Date at Peachland, BC
This 15th day of May, 2019.
To: Mayor and Council
From: Director of Community Services Cheryl Wiebe
Date: June 3, 2019
Subject: Community Services – May 2019

- Thompson Okanagan Tourism Association (TOTA) has advised that the new IArt interactive display trailer (Indigenous tourism) will not be ready for summer 2019. They plan to do a soft launch in the fall with operation in 2020;
- Finalized the dock replacement, Day Use Wharf rehabilitation and the majority of the minor dock restoration;
- Installed new swim buoys at the three (3) identified swim locations. The Bylaw officer has indicated that this installation has significantly improved his opportunity for visual marking for dogs allowed areas;
- Finalized the plan for public consultation on the Parks Plan and the Shoreline restoration. Public consultation will be launched on June 2nd and will continue through the month of June;
- Hosted the 40th Annual Civic Awards;
- Conducted the janitorial tender. The contract was awarded to A&S Service Group Ltd (Elite Janitorial) for $78,000 (plus GST) per year;
- UBCM has advised us that we have been awarded the $145,000 grant we recently applied for to conduct flood risk assessment and mitigation planning; and
- Worked with consultants on a variety of budget projects:
  - 8-13th Street Shoreline Plan
  - Parks Planning – Sanderson, Heritage and Cousins Park (project completion August)
  - Radon mitigation for Fire Hall

Community Events in Municipal Facilities:

- World of Wheels
- Rotary Sip and Savor
- Peachland Little Theatre spring performance
- Art Show and Sale
- Peachland Farmers and Crafters Market

Director Approved Gratis:

N/A
District of Peachland
Department Report

To: Mayor and Council
From: Director of Corporate Services Polly Palmer
Date: June 3, 2019
Subject: Department Report for the month of May

- Citizen Survey Process
- Prepared Department's goals & objectives for the Annual Report
- Conducted the annual records retention process
- Janitorial Tender Process
- Director of Corporate Services attended Contract Negotiation training
- Registered the Mayor for the Federation of Canadian Municipalities
- Coordinated the Mayor signing the “Story of Peachland” Books, that will be given to each graduating student from Peachland Elementary School
- Legislative Clerk attended a quarterly WildSafe BC meeting with representatives from Westbank First Nation and the City of West Kelowna
District of Peachland
Department Report

To: Mayor and Council
From: Fire Chief Dennis Craig
Date: June 3, 2019
Subject: Monthly Fire Department Report for May 2019

• PFRS hosted a Pre-School visit/tour at the fire hall.
• PFRS visited the Penticton Fire Safety House with the Peachland Elementary class.
• PFRS Officers received wildfire update training in preparation for the 2019 fire season from BC Wildfire Service.
• Three PFRS Members attended the Wildland Urban Interface training symposium in Penticton.
• One PFRS Member attending the BC Volunteer Firefighter training conference in Lake Country.
• Annual WokSafe BC ground ladder testing completed.
• The District of Peachland received the UBCM Community Resiliency Investment funding for the full amount of $100,000.00, for FireSmart projects including an update to the Community Wildfire Protection Plan.
• Three new recruits started with the Fire Department.

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Incidents

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*Other includes: Assist Other Agency, Public Service, Alarms, Marine Rescues, etc.
To: Mayor and Council  
From: Director of Operations Joe Mitchell  
Date: June 1, 2019  
Subject: May 2019 Operations Department Report  

Administration  

- Development review meetings  
- Trepanier Interconnect right-of-way discussions  
- Staff attended electrical safety training course (presented by BC Hydro)  
- District mechanic attended emergency vehicle training seminar (Vernon)  
- Operation Lead Hand attended a tour in the District of Peachland watershed (as well as representation from Healthy Watershed Committee, among others) at a cutblock on Munro FSR; a collaborative effort by Okanagan Nation Alliance, Gorman Bros. and Forest Enhancement Society of BC to create an area that would act as a firebreak and maintain forest ecology as well (Figure 1 below)  

Figure 1: Photo of firebreak area identified in tour of Peachland Watershed (note the selective logging)
Public Works

- Pothole patching
- Gravel road grading and dust control treatment
- Annual street sweeping completed
- Cemetery maintenance and cremation internments
- Arch installation and site preparation for new Heritage Pier
- Swim Bay wheelchair ramp rock removal completed
- Annual dry well / catch basin cleaning project completed (vacuum truck)
- Downtown banner installation
- Weed control
- Gerrie Road rock scaling cleanup

Water

- Water meter checks and repairs
- Pressure Reducing Valve checks
- Fire hydrant painting
- Upland lake checks
- Service leak repairs in Upper Princeton pressure zone (Pineridge, Maranatha)
- Completed Water System Annual Report (https://www.peachland.ca/annual-reports)
- Trepanier Creek source turned off in favor of Okanagan Lake source (May 9th) due to increasing creek turbidity
  - Trepanier Creek source re-instated May 28th
- Healthy Watershed Committee meeting

Water Treatment Plant

- Raw water pump station construction starts (removals inside contact chamber, cutting and coring through existing concrete walls)
- Vertical structures at upper reservoir completed
- Forming begins at water treatment plant site
- Attached pictures show;
  - Upper Reservoir: outer and inner walls completed (Figure 2 below)
  - Water Treatment Plant: Forming/rebar completed for slab, preparing for pour (Figure 3 below)
Figure 2: Water Treatment Plant Upper Reservoir site. Outer and inner walls completed.
Figure 3: Water Treatment Plant site. Forming/rebar completed for slab in preparation for pour.
To: Mayor & Council
From: Planning & Development Services
Date: June 11, 2019
Subject: May 2019 Monthly Report

### Active Development Applications in Progress:

<table>
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<th>Development / Description</th>
<th>Date of Last Action</th>
<th>Next Steps</th>
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</table>
| **Panorama Heights** (6114 Turner Ave.)  
(rezoning to allow 17 small single-family lots and 17 multi-family units) | May 1, 2019: Form and character development permit application submitted. | Rezoning application received third reading. Council to consider adoption concurrently with form and character development permit approval. |
| **Morrison Ridge Development** (5071 Morrison Road)  
(rezoning to R-1 and R-2 to allow 30 unit development in three phases) | May 2019: Works & Services securities received, project moving forward. | Rezoning application received third reading. Council to consider adoption in June prior to final subdivision approval (phase 1). |
| **4316 Beach Avenue**  
(rezoning to allow mixed-use building with commercial space on main floor and five residential units) | April 17, 2019: Meeting held with applicant to review Public Hearing comments.  
| **5919 Columbia Ave. & 4534 Princeton Ave.**  
(rezoning from RM-3 to RM-4 to allow 21 townhouse units in three buildings) | April 25, 2019: Meeting with applicant to discuss Zoning & DP review comments. | Applicant to respond to review comments. |
| **4932 Sanderson Ave.**  
(rezoning to allow development of 78 modular home lots) | Jan. 30, 2019: Meeting with applicant regarding outstanding items and expectations for Form and Character DP. | Rezoning application received third reading. Council to consider adoption concurrently with form and character development permit approval. |
| **Somerset Reach** (Princess Street)  
(56 townhouse units in 14 buildings) | Nov. 30, 2018: Letter sent to applicant detailing requirements to proceed to construction phase. | Applicant to submit securities associated with works and services agreements. Issuance of DPs. Subdivision (lot consolidation), including road dedication. |
Other In-stream Planning and Development Applications:

Planning and Development Services applications not connected with those projects noted above:
- Number of active subdivision applications: 15
- Number of stand-alone variance applications: 3
- Number of stand-alone technical development permit applications: 5
- Number of property inquiries: 246

Other Planning Matters:

Planning and Development Services activities during the month of May:
- Director of Planning & Development Services:
  - Attended Community to Community Forum with Westbank First Nation
  - Attended Strategic Planning Session
  - Attended Planning Institute of BC Annual Conference
  - Attended Peachland Transportation Study Technical Advisory Committee Meeting
- Planning & Economic Development Technician:
  - Attended MTFCC Meeting
  - Attended PEDC Meeting
  - Attended Agricultural Land Commission Regional Seminar
  - Attended COEDC Advisory Council Workshop
  - Attended EOC 2019 Wildfire Season Planning Orientation
  - Attended COEDC Quarterly EDO Meeting
- Development Services Technician
  - Conducted Wharf & Buoy Audit on the Fire Rescue Boat
- Ongoing communication with Regional Planning Lab members to discuss issues regarding cannabis, short-term rentals (e.g. Airbnb, VRBO, etc.) and regional policy statements with regional goals

Building Permit Activity:

<table>
<thead>
<tr>
<th>Two Year Comparison for the Month of May</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Permits</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Total Billings</td>
<td>3,096.00</td>
<td>15,926.00</td>
</tr>
<tr>
<td>Total Project Values</td>
<td>347,500.00</td>
<td>1,119,000.00</td>
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<tr>
<td>Year-to-Date Value</td>
<td>2,969,800.00</td>
<td>5,870,680.00</td>
</tr>
<tr>
<td>Total Billings</td>
<td>43,001.00</td>
<td>85,104.56</td>
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<tr>
<td>Number of Permits</td>
<td>27</td>
<td>33</td>
</tr>
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</table>

Building Inspection Activity for the Month of May 2019:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits Issued</td>
<td>8</td>
</tr>
<tr>
<td>Site / Building Inspections</td>
<td>70</td>
</tr>
<tr>
<td>Office Visits</td>
<td>15</td>
</tr>
<tr>
<td>Building Violations</td>
<td>0</td>
</tr>
</tbody>
</table>
Bylaw Enforcement Activity for Building Official / Bylaw Enforcement Officer for the Month of May 2019:

Ongoing Enforcement Activity:

<table>
<thead>
<tr>
<th>Written Complaints</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Inspections</td>
<td>31</td>
</tr>
<tr>
<td>Office Visits</td>
<td>9</td>
</tr>
<tr>
<td>Bylaw Notices</td>
<td>22</td>
</tr>
</tbody>
</table>

Bylaw Enforcement Activity for Bylaw Services Contract
2019 Seasonal Bylaw Officer has returned

<table>
<thead>
<tr>
<th>Written Warnings</th>
<th>Verbal Interactions</th>
<th>Bylaw Notice Tickets</th>
<th>Signs Impounded</th>
<th>Illegal Camping</th>
<th>Vehicles Towed</th>
<th>Dogs in Swim Area</th>
<th>Dogs in Parks</th>
<th>Dogs off Leash</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>206</td>
<td>21</td>
<td>12</td>
<td>5</td>
<td>1</td>
<td>12</td>
<td>18</td>
<td>10</td>
</tr>
</tbody>
</table>
To: Mayor and Council

From: Darin Schaal, Director of Planning & Development Services

Date: June 11, 2019

Subject: Cannabis Report – Key Decision Points

Implications of Recommendation:

General: At its regular meeting on April 23, 2019, Council passed Resolution RC-23/04/19-014 THAT in conjunction with the 2019 Citizen’s Survey results, staff bring forward a report that outlines questions for Council to consider with respect to Cannabis Regulations.

Organizational: Bylaws and Policies will be developed to reflect the resolutions of Council with respect to the development of the regulatory framework for the use, sale and production of cannabis within the District of Peachland.

Financial: N/A

Policy: TBD

Strategic Plan: The bylaw and policy development process demonstrates that the District values transparency, accountability, fact-based decision making, community input and engagement.

Chief Administrative Officer’s Comments:

I support the recommendation: ________________________________

The following report outlines key decision points for Council’s consideration to guide Staff in the development of a regulatory framework for the use, sale and cultivation of cannabis in the District of Peachland. In order to guide the discussion the following proposed definitions have been developed to articulate the various uses as applicable to the development of a regulatory framework in the District.

Proposed Definitions

The following proposed definitions separate the cultivation of cannabis from its production into other value added products, as well as recreational cannabis from medicinal:
**RECREATIONAL CANNABIS STORE** means the retail sale and distribution of recreational cannabis at a physical storefront which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

**MEDICINAL CANNABIS DISPENSARY** means the retail sale and distribution of medicinal cannabis which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

**RECREATIONAL CANNABIS CULTIVATION, INDIVIDUAL** means the cultivation, growth, storage, distribution or destruction of recreational cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

**MEDICINAL CANNABIS CULTIVATION, INDIVIDUAL** means the cultivation, growth, storage, distribution or destruction of medicinal cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

**COMMERCIAL CANNABIS CULTIVATION** means the commercial use or development of a property for the cultivation, growth, storage, distribution or destruction of medical or recreational cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

**COMMERCIAL CANNABIS PRODUCTION** means the manufacturing of value added products from cannabis, hemp, or products containing cannabis or cannabidiol (CBD) including but not limited to edibles, beverages, oils, creams, butters and concentrates.

**CANNABIS USE** means the consumption of cannabis or cannabidiol (CBD) of any kind by any method including but not limited to the smoking or holding of lighted cannabis, the use or holding of a device that is vapourizing cannabis for inhalation or release into the air, and the ingestion of cannabis or cannabis infused products.

---

**Cannabis Use**

**Definition:**

**CANNABIS USE** means the consumption of cannabis or cannabidiol (CBD) of any kind by any method including but not limited to the smoking or holding of lighted cannabis, the use or holding of a device that is vapourizing cannabis for inhalation or release into the air, and the ingestion of cannabis or cannabis infused products.

**Discussion:**

In the Province of British Columbia, the *Tobacco and Vapour Products Control Act* and *Tobacco and Vapour Products Control Regulation* identify where smoking and vaping can occur in public places and workplaces. The Province has enacted regulations prohibiting the use of tobacco and vapour products at all indoor public places and workplaces. The regulations also set a six-metre zone around all doorways,
air intakes and open windows to any substantially enclosed public place or workplace where no one can stand and use tobacco or vapour products. Exemptions to the buffer zone include outdoor hospitality patios where there are no open windows, doors or active air intakes. Patrons of these establishments can smoke or vape as long as the doors to the patio are closed (except for entering/exiting), windows are closed and air intakes within the area are not operating.

The Provincial Regulations are set as a minimum standard and local governments have the authority to place further restrictions on the public use of tobacco and vapour products within their municipal boundaries. On June 28, 2016 Council adopted an amendment to Park Regulation Bylaw No. 2089, 2014 adding provision 27 that ‘No person shall smoke in Children’s play areas, sports fields, undeveloped parks and wilderness trails except in designated areas’. The Bylaw also provides a definition of the “Park”:

“Park” includes all dedicated Public Parks, Municipal Hall grounds, or other lands used for Public Parks, or any public beach or boulevard within the corporate limits of the Corporation of the District of Peachland.

Part 5 Division 3 of the Cannabis Control and Licensing Act regulates the consumption of cannabis in public places. The Act provides minimum standards that must be met and authorizes local governments to further regulate Public Use of cannabis within their jurisdiction. The following provides a brief overview of the minimum standards set by the Act and outlines discretionary regulatory powers that are available to the District should Council choose to regulate Public Use of cannabis beyond the minimum standards established by the Province. For further information, Part 5 Division 3 of the Act is included in ‘Appendix 1’ of this report.

School property:
1. Regulation – Consumption is prohibited in or on school property
2. Discretionary Power – Establish a buffer distance around schools where consumption is prohibited

Health board property:
1. Regulation – Consumption is only allowed in designated smoking and vaping areas

Outdoor public places:
1. Regulation – Consumption is prohibited in the following locations:
   a. A skating rink, sports field, swimming pool, playground or skate park
   b. A spray pool, wading pool or splash pad
   c. A deck, seating area, viewing area or other place used in association with a place listed in (a) or (b)
2. Discretionary Power – Consumption may be prohibited in any of the following places:
   a. A park
   b. A regional park
   c. An outdoor area established by a local government for purposes of community recreation

Indoor public places:
1. Regulation – Consumption is prohibited in any of the following places that are fully or substantially (50% or more) enclosed:
   a. A ‘Public Place’ defined as any place to which the public has access as of right or by invitation, express or implied, whether or not a fee is charged for entry
b. A workplace, being any place
   i. In which a person performs services in return for compensation, or
   ii. Used in conjunction with the performance of services in return for compensation, including restrooms, meeting rooms and structures used for breaks
   iii. A home based business while services are being performed

c. A common area within an apartment building, condominium or dormitory.

2. Discretionary Powers – Consumption may be prohibited within an established buffer distance from a doorway, window or air intake of any place identified above. Province has set this distance as 6 metres however Council may increase the buffer distance.

Bus stops:
1. Regulation – Consumption is prohibited in any of the following places:
   a. Bus stop, train station or stop, taxi stand, ferry dock or stop, or passenger loading areas
2. Discretionary Power – Establish a buffer distance around any of the places listed in 1 (a) where consumption is prohibited

Prescribed places:
1. Discretionary Power – Council may prohibit cannabis use in or on any municipality owned or public property.

The Act also defines whom is liable for contraventions to the regulations for public use and establishes penalties for offences.

1. In or on school property – the education authority, superintendent, and principal are deemed to have committed an offence under the Act and are each liable
2. In enclosed public spaces (including near doorways and windows) – the owner, manager and lessee of the place are deemed to have committed an offence under the Act and are each liable
3. In enclosed workspaces (including near doorways and windows) – the employer is deemed to have committed an offence under the Act and is liable

Questions for Consideration:

1. Should Cannabis, Tobacco and Vaping use the same minimum standard regulations?

The Provincial regulations for cannabis exceed the minimum standard set for tobacco use and vaping. As outlined in the Act, the District has a duty to make reasonable efforts to prevent contraventions to the regulations established by the Province with respect to cannabis use or be deemed to have committed an offence. The ability to distinguish cannabis use from tobacco use is problematic and becomes more difficult to determine from a distance. Though the smell is usually a good indicator, some brands of tobacco cigarettes from the USA (e.g., Camel or Marlboro) or other countries can have a similar smell to cannabis. Vaping creates additional problems for distinguishing between tobacco and cannabis. The ability to use flavourings change the smell of the vapour from a distinguishable odour to any smell and taste the user desires further complicates enforcement efforts.

Recommendation:

Given the complexities in distinguishing between the smoking or vaping of cannabis compared to tobacco and that vaping has not been addressed in any District policy or bylaw, Staff recommends that, for the purposes of establishing regulations for public use in the District, smoking and vaping be viewed holistically as the same activity regardless of whether tobacco or cannabis is being used.
Proposed Resolution:

THAT Council direct staff to develop bylaw amendments that use the same approach and methodology for regulating the use of cannabis, tobacco, smoking and vaping in parks and at municipal facilities.

2. Should smoking or vaping be permitted in parks or at municipal facilities?

Currently the Parks Bylaw prohibits smoking only in children’s play areas, sports fields, undeveloped parks and wilderness trails except in designated areas. The language used is subjective and can be leveraged as a defence if tickets are issued. The bylaw does not address cannabis or vaping, nor does it address municipal facilities such as municipal hall or the community centre. Additionally, smoking in the District’s parks can create environmental issues and unsightly conditions if cigarette butts are tossed in the lake or on grass and beaches in the parks (potential wildfire hazard).

Recommendation:

Given the impacts that smoking or vaping cannabis or tobacco can have on the community and in the District’s parks, Staff recommend that smoking and vaping be prohibited in all parks and at all municipal facilities except in designated areas. There are currently designated smoking areas established in Cousins Park and in the Community Centre parking lot to accommodate smokers.

Proposed Resolution:

THAT Council direct Staff to develop Bylaw amendments to prohibit smoking or vaping in all parks and at all municipal facilities except in designated areas.

3. Should Cannabis Use be permitted in public places?

As part of the citizens’ survey, residents were asked two (2) questions with respect to the use of cannabis in public places:

40. Adults should be able to smoke or vape cannabis in the same places that they are permitted to smoke or vape tobacco publicly.

CLOSED SURVEY RESULTS
a. Strongly Agree & Agree: 35.6%
b. Neutral & Unsure: 18.0%
c. Strongly Disagree & Disagree: 46.4%

OPEN SURVEY RESULTS
a. Strongly Agree & Agree: 42.9%
b. Neutral & Unsure: 14.9%
c. Strongly Disagree & Disagree: 42.2%
41. Adults should not be permitted to smoke or vape cannabis in any public places.

CLOSED SURVEY RESULTS
a. Strongly Agree & Agree: 51.8%
   - Neutral & Unsure: 18.4%
   - Strongly Disagree & Disagree: 29.8%

OPEN SURVEY RESULTS
a. Strongly Agree & Agree: 49.0%
   - Neutral & Unsure: 17.6%
   - Strongly Disagree & Disagree: 33.5%

The results in both open and closed survey’s show that half of the respondents are in favour of a complete prohibition on the use of cannabis in public places, a third of respondents were not in favour of a complete prohibition on the use of cannabis in public places, and a fifth of respondents were neutral or unsure if there should be a complete prohibition on the use of cannabis in public places.

West Kelowna is the only example of a community in British Columbia Staff has found that has implemented a Bylaw to prohibit the use of cannabis in public, though the practice has been implemented in Calgary, as well as multiple communities in Ontario and Quebec. That being said, complete prohibitions enacted by communities have not been tested in court, nor are the impacts known regarding whether this type of regulation would lead to inequity for marginalized segments of the population when coupled with the ability of strata corporations and landlords to prohibit use on strata or rental property. Additionally, such a prohibition would not cover private property that is accessible by the public (e.g., parking lots at the mall or local businesses) and as such may create unintended consequences for business owners.

Also, enforcement capacity must be considered when determining whether or not to proceed with a complete prohibition on public places which would include all roadways, sidewalks, etc. within the District. If there is an increase in Bylaw complaints with respect to Cannabis Use in any public places, additional Bylaw officers may be required to respond to complaints and the burden of proof required to ticket for contraventions would be difficult to achieve. An individual would need to be caught in the act of using cannabis and if they failed to produce identification to the District's Bylaw officer, RCMP would be required to attend to compel identification and issue a ticket.

As an alternative to having to make the choice between no regulations or a complete prohibition, a hybrid model could be investigated that would place prohibitions on selective areas within the community such as tourist or commercial areas to protect public space while not limiting the liberties of individuals in residential areas. This would reduce the impacts on bylaw officers by limiting their responsibility to key areas, as well as protect the community's enjoyment of the waterfront and natural spaces within the District.

Recommendation:

Given the difficulty of enforcing a complete prohibition in public places and the potential for unintended consequences, Staff recommends not prohibiting cannabis use in public places.
Proposed Resolution:

THAT Council direct Staff not to develop bylaw amendments to prohibit the use of cannabis and tobacco in public places.

Recreational Cannabis Store

Definition:

RECREATIONAL CANNABIS STORE means the retail sale and distribution of recreational cannabis at a physical storefront which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

Discussion:

With the legalization of recreational cannabis in Canada, municipalities have the authority to establish regulations surrounding recreational cannabis stores within their communities. Questions were posed to the community through the citizen’s survey to gain feedback from residents to influence the development of regulations for the District. The results have led to a number of questions for Council’s consideration with respect to the development of a regulatory framework for the District. Many other communities have implemented regulations at various levels providing an opportunity for Council and Staff to gain knowledge and understanding on what has been successful and identify potential unintended consequences.

Questions for Consideration:

1. Should Recreational Cannabis Stores be allowed in Peachland?

As part of the citizens survey residents were asked if retail cannabis stores should be permitted in the District:

34. Under Provincial legislation, municipalities have the option to permit non-medical cannabis stores in their communities. Do you think non-medical cannabis retail should be permitted in Peachland?

**CLOSED SURVEY RESULTS**

a. Yes: 45.2%
b. Unsure: 15.2%
c. No: 39.6%

**OPEN SURVEY RESULTS**

a. Yes: 56.1%
b. Unsure: 12.5%
c. No: 31.4%
Additionally, residents were asked to explain their position:

35. Please explain your answer to the previous question.

CLOSED SURVEY RESULTS

<table>
<thead>
<tr>
<th>Categories</th>
<th>Number of Mentions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit the sale of non-medical cannabis because it is now legal</td>
<td>57</td>
</tr>
<tr>
<td>Permit the sale of non-medical cannabis for the economic benefits</td>
<td>51</td>
</tr>
<tr>
<td>I do not want to see the sale of non-medical cannabis in Peachland</td>
<td>48</td>
</tr>
<tr>
<td>Permitting the sale of non-medical cannabis is not necessary in Peachland because it is available in other nearby communities</td>
<td>47</td>
</tr>
<tr>
<td>The sale of non-medical cannabis in Peachland will cause criminal activity issues</td>
<td>21</td>
</tr>
<tr>
<td>I am unsure if I support the sale of non-medical cannabis in Peachland</td>
<td>19</td>
</tr>
<tr>
<td>Permit the sale of non-medical cannabis because it is similar to alcohol and should be treated as such</td>
<td>13</td>
</tr>
<tr>
<td>I do not want to see non-medical cannabis sold in Peachland because of the associated smell in public areas</td>
<td>9</td>
</tr>
<tr>
<td>I do not want to see non-medical cannabis sold in Peachland because I want it to remain a family-friendly place and tourist destination</td>
<td>7</td>
</tr>
<tr>
<td>Yes, permit a non-medical cannabis store in downtown Peachland</td>
<td>6</td>
</tr>
<tr>
<td>Other comments (non-categorized)</td>
<td>64</td>
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<tr>
<td>Total Number of comments</td>
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</table>

OPEN SURVEY RESULTS

<table>
<thead>
<tr>
<th>Categories</th>
<th>Number of Mentions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit the sale of non-medical cannabis for the economic benefits</td>
<td>45</td>
</tr>
<tr>
<td>Permit the sale of non-medical cannabis because it is now legal</td>
<td>36</td>
</tr>
<tr>
<td>I do not want to see the sale of non-medical cannabis in Peachland</td>
<td>26</td>
</tr>
<tr>
<td>Permitting the sale of non-medical cannabis is not necessary in Peachland because it is available in other nearby communities</td>
<td>11</td>
</tr>
<tr>
<td>Permit the sale of non-medical cannabis because it is similar to alcohol and should be treated as such</td>
<td>11</td>
</tr>
<tr>
<td>I am unsure if I support the sale of non-medical cannabis in Peachland</td>
<td>6</td>
</tr>
<tr>
<td>A non-medical cannabis store in Peachland would not fit in well with the existing character of the District</td>
<td>5</td>
</tr>
<tr>
<td>The sale of non-medical cannabis in Peachland will cause criminal activity issues</td>
<td>3</td>
</tr>
<tr>
<td>Other comments (non-categorized)</td>
<td>7</td>
</tr>
<tr>
<td>Total Number of comments</td>
<td>140</td>
</tr>
</tbody>
</table>

Over half of the respondents to the Open survey and just under half in the Closed survey indicated they feel a Recreational Cannabis Store should be allowed in Peachland citing economic benefits and that the product is now legal. A third of respondents in the Open survey and 40% in the Closed survey indicated that they did not want to see a Recreational Cannabis Store in Peachland citing concerns over smell, criminal activity and proximity to stores in other communities.
Residents were also asked where in the District is appropriate to locate a recreational cannabis store:

36. If non-medical cannabis retail stores are permitted in Peachland, what areas of the District, that currently allow for commercial uses, do you feel area appropriate for these stores? Please check all that apply.

**CLOSED SURVEY RESULTS**
- a. Downtown: 33%
- b. Clements: 16%
- c. Beach Ave: 14%
- d. New Monaco: 5%
- e. Hardy Falls: 3%
- f. Ponderosa Community: 3%

**OPEN SURVEY RESULTS**
- a. Downtown: 35%
- b. Beach Ave: 18%
- c. None of the Above: 16%
- d. Clements: 15%
- e. New Monaco: 8%
- f. Ponderosa Community: 4%
- g. Hardy Falls: 4%

In both the Open and Closed survey respondents indicated that Downtown, Beach Ave and Clements as preferred locations for a Recreational Cannabis Store.

**Recommendation:**

Given the responses to the citizen’s survey and the potential for economic benefits to the District, Staff recommends that Recreational Cannabis Stores be a permitted use within the District and that applications located in the Downtown, Beach Avenue and Clements neighbourhoods be considered.

**Proposed Resolution:**

THAT Council direct Staff to develop bylaw amendments to allow Recreational Cannabis Stores as a permitted use in the Downtown, Beach Avenue and Clements Neighbourhood’s.
2. Should the number of stores be limited in the District?

With the population size of the District and its linear development along Okanagan Lake, it is important to consider the sites available to locate stores, the desired density of stores and the size of the market available.

As part of the citizens survey residents were asked for their opinion on the number of potential stores in Peachland:

37. Should the District set a limit and cap the total number of non-medical cannabis stores in Peachland?

**CLOSED SURVEY RESULTS**

a. Yes: 77.1%
b. Unsure: 13.6%
c. No: 9.3%

**OPEN SURVEY RESULTS**

a. Yes: 79.1%
b. Unsure: 8.4%
c. No: 12.5%

38. If you answered “yes” to the previous question, what do you think the limit should be?

**CLOSED SURVEY RESULTS**

a. One: 61.2%
b. Two: 24.5%
c. Three: 4.5%
d. Four: 1.6%
e. Five: 0.0%
f. > Five: 0.0%
g. Unsure: 8.2%

**OPEN SURVEY RESULTS**

a. One: 53.9%
b. Two: 28.3%
c. Three: 8.7%
d. Four: 2.2%
e. Five: 0.0%
f. > Five: 0.0%
g. Unsure: 7.0%
Recommendation:

Given the strength of the responses from residents with respect to limiting the number of stores within the District, Staff recommends that the number of Recreational Cannabis Stores be limited to two (2). Further limiting to one (1) location would create a monopoly within the District and based on the survey results the community is not supportive of increasing that limit to three (3) or more stores. Additionally, the community has been successful in supporting two (2) liquor stores suggesting that the equivalent number of cannabis stores is feasible.

Proposed Resolution:

THAT the number of Recreational Cannabis Stores in the District be limited to two (2).

3. Should stores require a site specific rezoning or be authorized as a function of business licensing?

This question is to provide guidance to Staff on the process by which Council wishes to review and approve or deny applications. There are merits to both methods which will be discussed in this section. Regardless of the direction Council chooses, Council approval is required for any application as part of the Provincial licensing process.

Site Specific Zoning Amendment:

Some municipalities including Kelowna, West Kelowna and Osoyoos have chosen to use a site specific zoning amendment process to establish locations for recreational cannabis stores.

Pros:

- Zoning is completely at Council’s discretion
- Application fees can be established for cost recovery
- The District has more authority to impose additional requirements (e.g., land dedication, frontage improvements, service upgrades, etc.)
- Public Hearing Required
- Business license still required
- Property owner gains a lift in property value

Cons:

- Lengthy process for applicants
- Once rezoned, the approved use cannot be removed from the property without rezoning
- Significant staff time requirement
- Legislative requirements from the Provincial level
- If application is submitted by a lease holder, the property owner gains a lift in property value at the expense of the lease holder
- Surrounding area may change overtime and create use conflicts with little recourse available to the District
- Requires both a Rezoning process and a Business License process (impacts on Staff time & resources)
Business License:

Some municipalities including Lake Country, Summerland and Penticton have chosen to use a modified business license process to establish locations for recreational cannabis stores.

Pros:
- Council resolution required
- Application fees can be established for cost recovery
- Use controlled by Zoning regulations
- Additional restrictions can be established
- Annual license fee can be established for cost recovery
- Bylaws are completely controlled at the local government level allowing for modification
- License can be suspended or cancelled for non-compliance
- License runs with the business, not the land
- Reduced Staff time required to process
- Lease holder receives all the benefits of their investment
- Requires only a Business License process (one (1) process not two (2))

Cons:
- Public Hearing not required
- The District has less authority to impose additional requirements (e.g., land dedication, frontage improvements, service upgrades, etc.)
- The District gains less upfront
- Property owner does not receive a lift in property value

Recommendation:

Given that rezoning is tied to the land not the business and with respect to a retail storefront the quality of the business operation is equally, if not more important than its exact location, Staff recommends using a modified Business License process to approve retail locations. If a rezoning is successful by a quality business operation and said operation subsequently closes or moves to a different location, the original location would still have zoning in place to operate a cannabis retail store. By attaching the development of a Recreational Cannabis Store to the business licensing process, approvals are granted to specific businesses on a case by case basis. If a business closes or moves to another location, its previous location is not pre-approved for the establishment of a Recreational Cannabis Store. Additionally, the benefits of any approvals granted are limited to the business owner, not necessarily the property owner, giving more fairness to the applicant. This removes the possibility of a property owner using an applicant to pay to obtain a rezoning then evicting the applicant to open their own cannabis store, thereby avoiding the associated costs.

Proposed Resolution:

THAT Council directs Staff to develop a modified Business Licensing process for the approval and ongoing operation of Recreational Cannabis Stores in Peachland
4. Should buffering between locations and other uses be considered?

Due to the linear development of Peachland between the shore of Lake Okanagan and the mountain side, with Highway 97 bisecting the community, buffering between locations and other uses is a problematic consideration. Though there is merit to arguments supporting buffering Recreational Cannabis Store locations from one another and from non-commercial uses, requiring even moderate buffers from other uses very quickly erodes if not completely precludes available employment lands within the District.

As part of the citizens’ survey residents were asked for their opinion on the need for buffering potential stores in Peachland from other uses:

39. If non-medical cannabis retail stores are permitted in Peachland, should the District establish distance requirements from these stores to other uses? Please indicate below the uses that you think should have buffering and the appropriate buffer distance.

**CLOSED SURVEY RESULTS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Buffer Required (%)</th>
<th>Buffer Distance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>School</td>
<td>89.6</td>
<td>7.6</td>
</tr>
<tr>
<td>Daycare</td>
<td>79.9</td>
<td>15.4</td>
</tr>
<tr>
<td>Park</td>
<td>60.3</td>
<td>30.0</td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>60.9</td>
<td>31.2</td>
</tr>
<tr>
<td>Institutional</td>
<td>50.8</td>
<td>40.1</td>
</tr>
<tr>
<td>Residential</td>
<td>60.3</td>
<td>29.0</td>
</tr>
</tbody>
</table>

**OPEN SURVEY RESULTS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Buffer Required (%)</th>
<th>Buffer Distance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>School</td>
<td>84.4</td>
<td>9.8</td>
</tr>
<tr>
<td>Daycare</td>
<td>74.9</td>
<td>19.7</td>
</tr>
<tr>
<td>Park</td>
<td>52.4</td>
<td>37.4</td>
</tr>
<tr>
<td>Recreational Facilities</td>
<td>52.7</td>
<td>36.1</td>
</tr>
<tr>
<td>Institutional</td>
<td>41.8</td>
<td>46.3</td>
</tr>
<tr>
<td>Residential</td>
<td>54.1</td>
<td>35.0</td>
</tr>
</tbody>
</table>

The responses to both the open and closed surveys clearly indicate that residents want to see buffering of Recreational Cannabis Stores from other uses. Additionally, residents indicated that they prefer a 500 m buffer from all other uses identified in the surveys.
Recommendation:

Given the overwhelming response from residents indicating their desire for 500 m buffers be placed on Retail Cannabis Stores from all other uses identified in the citizens’ survey and the fact that placing a 500 m buffer around even one (1) of the uses identified completely eliminates every currently existing commercially zoned property in Peachland, Staff recommend that a full review of buffering potential be conducted and recommendations on appropriate buffering be presented to Council for consideration.

Proposed Resolution:

THAT Council direct Staff to conduct a full review of the impacts of placing buffering requirements on Recreational Cannabis Stores from other uses and present recommendations on appropriate buffers to Council for consideration.

5. Should Recreational Cannabis Stores be considered in the following Commercial Zones?

The District’s Zoning Bylaw 2100 contains eight (8) Commercial and Mixed Use Zones that permit uses similar to Recreational Cannabis Stores. The purpose of this section is to identify which Zones should permit Recreational Cannabis Stores as a use for considering approval of applications. Five (5) Commercial and Mixed Use Zones have been selected with similar or more intensive uses permitted in each Zone respectively and presented below along with the number of lots currently holding each Zoning designation for Council’s consideration.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Similar Permitted Uses</th>
</tr>
</thead>
</table>
| CR-1 – Mixed Use
(Currently 2 Lots)           | Artisan Industrial
Convenience Store
Retail Store                  |
| C-2 – Core Commercial
(Currently 35 Lots)           | Artisan Industrial
Brewery, Distillery or Meadery and ancillary uses
Convenience Store
Liquor Sales, Primary
Liquor Store
Retail Store
Winery or Cidery and ancillary uses |
| C-3 – Convenience Commercial
(Currently 2 Lots)            | Automotive body repair and painting
Automotive & equipment repair
Automotive Service Uses
Convenience Store (max 140 m² floor area)
Gas Station
General Service Use
Light Impact Industrial
Recycling Depot
Retail Store
Vehicle Rental               |
| C-4 – Service Commercial
(Currently 1 Lot)            | Auctioneering Establishment
Automotive & equipment repair
Automotive Service Uses
Gas Station
General Service Use
Light Impact Industrial
Recycling Depot           |
Recommendation:

Given the results from the citizens’ survey indicated that residents preferred the Downtown, Beach Avenue and Clements neighbourhoods as the location for Recreational Cannabis Stores, Staff recommends applications be considered in the CR-1, C-2 and C-9 Zones.

Proposed Resolution:

THAT Council direct Staff to bring forward Zoning amendments to permit the use of Recreational Cannabis Store in the CR-1, C-2 and C-9 Zones.

Medicinal Cannabis Dispensary

Definition:

MEDICINAL CANNABIS DISPENSARY means the retail sale and distribution of medicinal cannabis which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

Discussion:

Though Recreational Cannabis has been legalized and the regulation of Recreational Cannabis Stores has been downloaded to the Provinces and Municipalities, Medicinal Cannabis remains the domain of the Federal Government through Health Canada. The licensing process does require an applicant to notify a municipality of its application, if and when a license is issued or renewed, amended, suspended, or revoked. Health Canada has stated that ‘Licensed producers are expected to obey all relevant federal, provincial and municipal laws and bylaws, including municipal zoning bylaws’. For more information on a municipality’s role in medicinal use of cannabis see Appendix 2.

Question for Consideration:

1. Should Medicinal Cannabis Dispensaries be considered in more Zones than Recreational Cannabis Stores?

Medicinal Cannabis Dispensaries have much stricter regulations to follow than Recreational Cannabis Stores. The sale of medicinal cannabis is limited to orders placed by mail, phone or online and is not
permitted to be sold in person from a store. Shopper’s Drug Mart has become the first pharmacy in Canada to dispense medicinal cannabis online at (https://cannabis.shoppersdrugmart.ca/en_CA).

Additional Zones for consideration:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Similar Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>CR-1 – Mixed Use</td>
<td>Artisan Industrial</td>
</tr>
<tr>
<td>(Currently 2 Lots)</td>
<td>Convenience Store</td>
</tr>
<tr>
<td></td>
<td>Health Services</td>
</tr>
<tr>
<td></td>
<td>Hospital</td>
</tr>
<tr>
<td></td>
<td>Office</td>
</tr>
<tr>
<td></td>
<td>Retail Store</td>
</tr>
<tr>
<td>P-2 – Public/Institutional</td>
<td>Health Services</td>
</tr>
<tr>
<td>(Currently 17 Lots)</td>
<td>Hospital</td>
</tr>
<tr>
<td></td>
<td>Office</td>
</tr>
</tbody>
</table>

Recommendation:

Given that Medicinal Cannabis Dispensaries are limited to online or mail order sales only, the impact on neighbouring uses is greatly reduced when compared to Recreational Cannabis Stores. Staff recommends that Medicinal Cannabis Dispensaries be permitted in Mixed Use and Institutional Zones, as well as in any Zone where Recreational Cannabis Stores are permitted.

Proposed Resolution:

THAT Council direct Staff to bring forward Zoning amendments to permit the use of Medicinal Cannabis Dispensary in the same Zones as Recreational Cannabis Stores with the addition of Mixed Use Zone(s) and the Institutional where Health Services are permitted.

---

Recreational Cannabis Cultivation, Individual

Definition:

RECREATIONAL CANNABIS CULTIVATION, INDIVIDUAL means the cultivation, growth, storage, distribution or destruction of recreational cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

Discussion:

With the legalization of recreational cannabis, the federal and provincial governments have passed regulations permitting the cultivation of recreational cannabis by individuals. Local governments have been authorized to place their own regulations to further restrict the cultivation of recreational cannabis within their jurisdictions if they choose.
Provincial Regulations:

The following section provides a basic overview of the Provincial regulations for the cultivation of recreational cannabis by an individual. For more information the Provincial Fact Sheet for the growth of recreational cannabis can be found in Appendix 3.

Question for Consideration:

1. Should the cultivation of recreational cannabis by an individual be regulated by the municipality beyond what provincial regulations permit?

Recreational Cannabis Cultivation is permitted in the Province provided that the following conditions are met:

1. The individual ordinarily resides at the dwelling house;
2. The dwelling house is not a community care or child care facility;
3. Maximum of 4 plants growing at a time regardless of how many adults live in the dwelling house;
4. The individual is not growing plants at any other dwelling house; and
5. The plants are not visible from a public place such as parks, streets, sidewalks, sports fields and schools.

Recommendation:

Given that the Provincial regulations prohibit the cultivation of recreational cannabis from the visibility of public places and limits the quantity of plants to four (4) per household, Staff recommends that further regulation of recreational cultivation by an individual is not required.

Proposed Resolution:

THAT Council directs Staff not to further regulate the cultivation of recreational cannabis by an individual beyond the Provincial regulations as amended from time to time.

Medicinal Cannabis Cultivation, Individual

Definition:

MEDICINAL CANNABIS CULTIVATION, INDIVIDUAL means the cultivation, growth, storage, distribution or destruction of medicinal cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

Discussion:

The cultivation of medicinal cannabis for personal use is regulated by the federal government through Health Canada. The regulations allow for cultivation of cannabis by an individual to be produced indoors and/or outdoors for the purpose of supplying their medical needs but not in both locations at the same time. An individual can also be a designated grower for cultivating cannabis plants for another individual
to meet their prescription. An individual can have a maximum of two (2) registrations (e.g., their registration and one (1) that has been designated to them for another individual) and is limited to four (4) registrations per address. Properties that are adjacent to a school, public playground, daycare or other public place mainly frequented by children are prohibited from becoming registered to produce medicinal cannabis. The regulations recommend that individuals be discreet with their production and are responsible for taking all necessary measures to ensure the security of the cannabis in their possession, in storage, and in their cultivation. Additionally, registered individuals are expected to obey all federal, provincial and municipal laws and bylaws. Though Health Canada may respond to requests from municipal and other local authorities for information, there is no notification requirement and specific individual information is protected by the Privacy Act.

Question for Consideration:

1. Should Medicinal Cannabis Cultivation be regulated beyond the limitations established by the federal government?

The regulations permit the cultivation of medicinal cannabis by individuals using a formula to determine the quantity of plants an individual can produce. In general, for every one (1) gram of dried cannabis of a daily prescription allows for the cultivation of five (5) plants indoors or two (2) plants outdoors. The following table provides examples to demonstrate the scale of production in a few common scenarios.

<table>
<thead>
<tr>
<th>Type</th>
<th>Prescription</th>
<th>Cultivation Indoors</th>
<th>Cultivation Outdoors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>1 gram per day</td>
<td>5 plants</td>
<td>2 plants</td>
</tr>
<tr>
<td>Individual</td>
<td>5 grams per day</td>
<td>25 plants</td>
<td>10 plants</td>
</tr>
<tr>
<td>Individual + Designation</td>
<td>5 grams per day</td>
<td>50 plants</td>
<td>20 plants</td>
</tr>
<tr>
<td>2 Individuals in a dwelling with prescriptions</td>
<td>5 grams per day each</td>
<td>50 plants</td>
<td>20 plants</td>
</tr>
<tr>
<td>2 Individuals in a dwelling with prescriptions + 2 Designations</td>
<td>5 grams per day each</td>
<td>100 plants</td>
<td>40 plants</td>
</tr>
</tbody>
</table>

Recommendation:

Staff in no way wishes to impede the ability of individuals that use cannabis for its medicinal qualities from cultivating their medication. Given the exponential scale that medicinal cultivation can reach (as outlined above), the District does need to take into consideration the impacts that outdoor cultivation of medicinal cannabis on a residential property can have on character of a neighbourhood and on other residents living close by. With that in mind, Staff recommends developing reasonable regulations to mitigate the impacts of outdoor medicinal cannabis cultivation in residential zones. The regulations could include the following:

- Limiting cultivation to Principal Residents of the dwelling;
- Developing screening requirements for outdoor cultivation
- Developing setback requirements for outdoor cultivation areas
- Prohibiting cultivation in front yards
- Requiring that cultivation areas not be visible from public places (e.g., roads, sidewalks, etc.)
Proposed Resolution:

THAT Council direct Staff to develop regulations to mitigate the impacts of medicinal cannabis cultivation on neighbourhood character and other residents living in the area.

Commercial Cannabis Cultivation

Definition:

COMMERCIAL CANNABIS CULTIVATION means the commercial use or development of a property for the cultivation, growth, storage, distribution or destruction of medical or recreational cannabis or hemp which is lawfully permitted and authorized pursuant to Federal and Provincial regulations as amended from time to time.

Discussion:

The commercial cultivation of cannabis is a booming industry as the demand to supply national and international markets is rapidly growing. Peachland is not immune to the development pressures currently being placed on municipalities throughout the valley and the country. Commercial cultivation activities can create economic benefits and job growth within the District.

There are three (3) main categories of cultivation licenses available that businesses can apply for: Micro-cultivation, Standard cultivation, and Nursery licenses.

Micro-cultivation licenses, also known as craft licenses, are limited in the size of their production area to 200 m$^2$ (2,152 ft$^2$). These types of facilities would typically be approximately 418 m$^2$ (4,500 ft$^2$) – 464 m$^2$ (5,000 ft$^2$) facilities including all staff, office, packaging and shipping areas.

Standard licenses encompass any cultivation activities that exceed the area requirements of the Micro-cultivation license.

Nursery licenses are issued to facilities that are specifically focused on the cultivation of plants (clones) or seeds to be used in cultivation elsewhere.

Questions for Consideration:

1. Should restrictions be placed on A-1 ALR properties to regulate Commercial Cannabis Production?

Effective February 22, 2019, the ALCA and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (now the ALR General Regulation) were amended and the Agricultural Land Reserve Use Regulation was created. The implementation of these changes now entitles cannabis cultivation as a Farm Use and ALC approvals are no longer required. As stated in the ALC’s information bulletin No. 4 revised May 8, 2019 (attached as Appendix 4), all forms of cannabis cultivation are a ‘farm
use' and cannabis production in the ALR does not contravene the ALCA even if engaged in without the Commission's approval.

Part 2 Section 8 of the ALR Use Regulation (attached as Appendix 5) downloads the responsibility for regulation of cannabis cultivation on ALR lands to local governments, providing the following authorities:

- May regulate or prohibit certain kinds of cannabis production, though may not prohibit all forms of cannabis production
- Cultivation of cannabis may not be prohibited if
  - It is cultivated outdoors in a field, or
  - Inside a structure that has a base consisting entirely of soil, or
  - Inside a structure that before July 13, 2018 was
    - Constructed for the purpose of growing crops of any kind
    - Under construction for the purpose of growing crops of any kind
    - Has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base

The new Act and Regulations do not address the siting, setbacks or size of any structures placed on ALR lands nor does it prohibit the installation of buildings with concrete floors. These regulations are now the responsibility of local governments and must be regulated in bylaws to have any effect. There are currently 40 lots in Peachland with A-1 – ALR zoning.

Recommendation:

Given that the regulation of cannabis cultivation on ALR lands has been downloaded to local governments and that currently our bylaws do not regulate recreational cannabis cultivation, Staff recommends the development of Zoning Bylaw amendments to regulate the cultivation of cannabis in the A-1 Zone.

Proposed Resolution:

THAT Council direct Staff to develop a Zoning amendment Bylaw to regulate the commercial cultivation of cannabis in the A-1 – ALR Zone.
2. Should Commercial Cannabis Cultivation be permitted in the A-2 Zone?

There are currently 87 lots in Peachland with A-2 Rural (Non-ALR) zoning. As part of the citizen’s survey residents were asked if Commercial Cannabis Cultivation should be permitted in the A-2 Rural Zone.

42. Should cannabis production be permitted on lands zoned as A-2 – Rural (Non-ALR)?

**CLOSED SURVEY RESULTS**

a. Yes: 36.3%

b. Unsure: 24.5%

c. No: 39.1%

**OPEN SURVEY RESULTS**

a. Yes: 45.3%

b. Unsure: 27.7%

c. No: 27.0%

**Recommendation:**

Given that lots zoned A-2 are generally on the boundaries of the District and the lots are generally larger in size, Staff recommends that a detailed review be conducted to determine regulations to allow Commercial Cannabis Cultivation as a permitted use in the A-2 Zone including but not limited to the following:

- Appropriate siting & screening
- Limited to Micro-cultivation licenses (unless connected to municipal services)
- Establishment of appropriate buffers from conflicting uses
- Establishment of a maximum facility size

**Proposed Resolution:**

THAT Council direct Staff to develop appropriate regulations that allow Commercial Cannabis Cultivation as a permitted use in the A-2 – Rural (Non-ALR) Zone for Council’s consideration.
3. Should Commercial Cannabis Cultivation be permitted in the I-1 Zone?

There are currently 6 lots in Peachland with I-1 Industrial zoning. As part of the citizen’s survey residents were asked if Commercial Cannabis Cultivation should be permitted in the I-1 Industrial Zone.

43. The production of cannabis may also be deemed as an industrial use due to the intensive process it entails. Should cannabis production be permitted on lands zoned as I-1 – Industrial?

**CLOSED SURVEY RESULTS**

a. Yes: 44.7%
b. Unsure: 24.5%
c. No: 30.7%

**OPEN SURVEY RESULTS**

a. Yes: 55.1%
b. Unsure: 23.0%
c. No: 22.0%

**Recommendation:**

Given that lots zoned I-1 are located at the top of Princeton Avenue near the boundaries of the District, the lots generally being larger in size, and the current underutilization of Industrial land within the District, Staff recommends that a detailed review be conducted to determine regulations to allow Commercial Cannabis Cultivation as a permitted use in the I-1 Zone including but not limited to the following:

- Appropriate siting & screening
- Must be connected to municipal services
- Establishment of appropriate buffers from conflicting uses

**Proposed Resolution:**

THAT Council direct Staff to develop regulations that allow Commercial Cannabis Cultivation as a permitted use in the I-1 – Industrial Zone for Council’s consideration.
Commercial Cannabis Production

Discussion:

COMMERCIAL CANNABIS PRODUCTION means the manufacturing of value added products from cannabis, hemp, or products containing cannabis or cannabidiol (CBD) including but not limited to edibles, beverages, oils, creams, butters and concentrates.

Discussion:

The Federal Government has announced that on October 17, 2019, the sale of products containing cannabis will become legalized in Canada including but not limited to edibles, beverages, oils, creams, food additives and concentrates. Additionally, cannabis products targeted at the pet and wellness industries are becoming an increasing market (with celebrities such as The Tragically Hip, Martha Stewart, Whoopi Goldberg, Tommy Chong, Gwyneth Paltrow, Montel Williams and Melissa Etheridge to name a few jumping into the market). These new industries produce value added products using cannabis or CBD (the non-psychoactive component of cannabis or hemp) and will require space to produce their products. We may even see some of these products appear at the local pet store or be on tap at a bar in the near future. In preparation for this upcoming shift in the marketplace, Staff is proposing the establishment of a definition for the manufacturing of these new products – Commercial Cannabis Production.

Question for Consideration:

1. Should Commercial Cannabis Production be permitted in Commercial Zones?

These businesses may be similar in impact to that of a bakery (if producing edibles), brewery/winery (if producing beverages), or a manufacturing plant (if producing dog biscuits). Consideration should be given to whether these types of operations are to be permitted in places where comparable commercial uses are allowed.

Recommendation:

Given the pending changes in legalization of value added products and the time/effort being placed into the development of cannabis regulations for the District, Staff recommends that the development of regulations for Commercial Cannabis Production be completed in conjunction with the broad cannabis regulations currently under development for the District. Furthermore Staff recommend that Commercial Cannabis Production activities be considered in the same zones as Commercial Cannabis Cultivation, as well as Commercial Zones where similar uses are permitted.

Proposed Resolution:

THAT Council direct Staff to develop appropriate regulations to allow Commercial Cannabis Production as a permitted use in all Zones where Commercial Cannabis Cultivation is permitted and in the C-2, C-3, C-4 and C-9 Zones.
**Next Steps**

1. Complete a comprehensive review of District bylaws to determine necessary amendments.
2. Develop amending bylaws to implement the key decisions made by Council.
3. Submit amending bylaws for legal review to ensure accuracy and legality of the proposed amendments.
4. Bring forward amending Bylaws for Council’s consideration and the necessary public process.
5. If Recreational Cannabis Stores and/or Commercial Cannabis Cultivation are permitted uses
   a. Develop an application process and fee structure.
   b. Open the application process to receive applications
   c. Review applications
   d. Bring applications forward to Council for consideration
   e. If approved, issue permits and licenses as applicable.

**Report/Document:**

Attached: Y

1. Appendix 1 – Part 5 Division 3 of the *Cannabis Control and Licensing Act*
2. Appendix 2 – Heath Canada Guide – Info for Municipalities about Medicinal Cannabis
3. Appendix 3 – Growing Non-Medical Cannabis at Home in British Columbia Factsheet
4. Appendix 4 – ALC Information Bulletin No. 4 – Cannabis Production
5. Appendix 5 – Part 2 Section 8 of the *ALR Use Regulation*

**Report prepared by:** Matt Faucher, Planning & Economic Development Technician
(3) The deemed contravention referred to in subsection (2) by an adult does not apply if the adult took reasonable steps to prevent the contravention.

**Division 3 — Consumption in Public**

**Definitions**

60 In this Division:

"education authority" means

(a) a board of education or francophone education authority under the *School Act*, or

(b) an authority under the *Independent School Act*;

"health board" means

(a) a regional health board designated under the *Health Authorities Act*, or

(b) the board or other governing body of a prescribed organization having the delivery of health services as one of its purposes;

"health board property" means property that is, in whole or in part, owned or leased by, or operated under the authority of, a health board;

"property" includes

(a) real property and improvements, and

(b) personal property;

"school property" means property that is

(a) in whole or in part, owned or leased by, or operated under the authority of, an education authority, and

(b) used for the purposes of delivering educational programs or other learning programs;

"smoke or vape cannabis" includes the following:

(a) smoke or hold lighted cannabis;

(b) use or hold a device that is vapourizing cannabis for inhalation or release into the air;

"superintendent" means
the superintendent of schools under the *School Act*, or
(a) a person exercising similar authority in respect of an independent school under the *Independent School Act*.

**School property**

61 A person must not consume cannabis
(a) in or on school property, or
(b) within a prescribed distance from school property.

**Health board property**

62 A person must not smoke or vape cannabis in or on health board property, except in any area designated by the health board as an area in which a person may use tobacco or e-cigarettes within the meaning of the *Tobacco and Vapour Products Control Act*.

**Outdoor smoking and vaping**

63 (1) A person must not smoke or vape cannabis in or on any of the following places, if the place is a public place that is outdoors:
(a) a skating rink, sports field, swimming pool, playground or skate park;
(b) a spray pool or wading pool within the meaning of regulations under the *Public Health Act* or a splash pad;
(c) a deck, seating area, viewing area or other place used in association with a place to which paragraph (a) or (b) applies.

(2) A person must not smoke or vape cannabis within a prescribed distance from the places to which subsection (1) (a) to (c) applies.

(3) A person must not smoke or vape cannabis in a prescribed area of any the following places:
(a) a park within the meaning of the *Park Act*;
(b) a regional park within the meaning of the *Local Government Act*;
(c) an outdoor area established by a local government for purposes of community recreation;
(d) a permanent public park over which the Park Board has jurisdiction under section 488 of the *Vancouver Charter*. 
Indoor smoking and vaping

64 (1) A person must not smoke or vape cannabis in any of the following places that are fully or substantially enclosed within the meaning of the regulations:

(a) a place described in paragraph (a) of the definition of "public place";

(b) a workplace, being any place

(i) in which a person performs services in return for compensation, or

(ii) used in conjunction with the performance of services in return for compensation, including restrooms, meeting rooms and structures used for breaks;

(c) a common area within an apartment building, condominium or dormitory.

(2) For the purpose of subsection (1) (b), if a place is used as a workplace and as a residence, the place is a workplace only while the services are being performed.

(3) A person must not smoke or vape cannabis within a prescribed distance from a doorway, window or air intake of a place to which subsection (1) (a) to (c) applies.

Consumption in vehicles and boats

65 (1) A person must not consume cannabis while

(a) operating a vehicle or boat, or

(b) in or on a vehicle or boat being operated by another person.

(2) A person must not operate a vehicle or boat if the person knows that another person is smoking or vaping cannabis in the vehicle or boat.

(3) Subsections (1) and (2) apply regardless of whether the vehicle or boat is in motion.

Bus stops and similar places

66 A person must not smoke or vape cannabis

(a) in or at a bus stop, train station or stop, taxi stand or ferry dock or stop, or similar place marked for passenger loading or unloading, or

(b) within a prescribed distance from a place described in paragraph (a).
Prescribed places

A person must not consume cannabis in a prescribed place.

Vicarious liability

(1) If a person consumes cannabis in contravention of section 61 (a) [in or on school property], the education authority, superintendent and principal are each deemed to have contravened that section and are each liable for the contravention.

(2) If a person smokes or vapes cannabis in contravention of section 64 (1) (a) or (c) [enclosed public places] or within a prescribed distance from a doorway, window or air intake of a place to which section 64 (1) (a) or (c) applies in contravention of section 64 (3) [doorways and windows], the owner, manager and lessee of the place are each deemed to have contravened section 64 (1) (a) or (c) or (3), as the case may be, and are each liable for the contravention.

(3) If a person smokes or vapes cannabis in contravention of section 64 (1) (b) [enclosed workspaces] or within a prescribed distance from a doorway, window or air intake of a place to which section 64 (1) (b) applies in contravention of section 64 (3) [doorways and windows], the employer is deemed to have contravened section 64 (1) (b) or (3), as the case may be, and is liable for the contravention.

(4) Subsections (1) to (3) apply whether or not the person who consumed or smoked or vaped cannabis is charged with a contravention of the applicable section.

(5) If a person is charged with a contravention of section 61 (a) or 64 (1) or (3) as a result of this section, it is a defence to the charge if the education authority, superintendent, principal, owner, manager, lessee or employer, as the case may be, demonstrates having taken reasonable steps to prevent the contravention.

Division 4 — Minors

Selling or supplying cannabis or cannabis accessories to minors

(1) A person must not sell cannabis or a cannabis accessory to a minor.

(2) A person must not supply cannabis or a cannabis accessory to a minor.

(3) A person must not allow a minor to consume or possess cannabis in or at a place under the person's control.
As of August 24, 2016, the way that Canadians can access cannabis for medical purposes has changed.

If a person wants to use cannabis for medical purposes, the first step is to visit a health care practitioner. A health care practitioner will assess the person to determine if cannabis is an appropriate option for him/her. If the health care practitioner determines that cannabis is an appropriate option, the practitioner would give the person a medical document.

Like a prescription, this document must:

- be signed by the health care practitioner
- indicate, among other information, how much dried marijuana the person should take each day (in grams).

There are three ways that a person can obtain cannabis for medical purposes. A person can:

- buy safe, quality-controlled cannabis from a licensed producer, or
- register with Health Canada to produce a limited amount of cannabis for his/her own medical purposes, or
Licensed Producers

Licensed producers are individuals or companies licensed by Health Canada to produce and sell cannabis for medical purposes. Licensed producers must meet stringent health and safety security requirements before producing and selling cannabis. When a client seeks cannabis from a licensed producer, he/she places orders by mail, phone or online. Licensed producers are not allowed to sell products in person from a store. Dried or fresh marijuana or cannabis oil is shipped by mail or courier to the customer. Details on how to register with a licensed producer can be found on the web links below.

When applying to be a licensed producer under the Access to Cannabis for Medical Purposes Regulations (ACMPR), or when applying to amend a licence, an applicant must notify:

- the municipality
- local fire officials
- local law enforcement

Licensed producers must also notify these local authorities, within 30 days, after the issuance of a licence or the renewal, amendment, suspension, reinstatement, or revocation of their licence. These notification requirements are intended to provide local authorities...
with information about activities with cannabis conducted in their jurisdiction to allow them to take appropriate measures, as applicable.

Licensed producers are expected to obey all relevant federal, provincial and municipal laws and by-laws, including municipal zoning by-laws.

**Personal and Designated Production**

If a person wants to produce a limited amount of cannabis for his/her own medical purposes, he/she needs to register with Health Canada. He/she can also choose to designate another person to produce a limited amount of cannabis for him/her. A person can produce a limited number of marijuana plants under a maximum of two registrations (for one other person and him/herself, or two other people). Marijuana plants may be produced under a maximum of four registrations at one address.

A registered or designated person is permitted to produce marijuana plants indoors and/or outdoors, but not both at the same time. If a person wishes to produce marijuana plants outdoors, the boundary of the land on which the production site is located cannot have any points in common with the boundary of the land on which a school, public playground, day care facility or other public place frequented mainly by persons under 18 years of age.

The number of plants a person can grow is determined by the daily amount recommended by their health care practitioner and a set of formulas in the regulations. For reference, Health Canada has...
provided examples below to help demonstrate how many plants a person would be able to produce and store in different scenarios (i.e., growing indoors, outdoors, or a combination of indoors and outdoors).

• For example, if a health care practitioner recommended 1 gram of dried marijuana per day a person would be registered to grow:
  ◦ 5 plants indoors;
  ◦ 2 plants outdoors; or  
  ◦ 4 plants indoors and 1 plant outdoors but plants would not be permitted to be grown indoors and outdoors at the same time.

• If a health care practitioner recommended 3 grams per day a person would be registered to grow:
  ◦ 15 plants indoors;
  ◦ 6 plants outdoors; or
  ◦ 11 plants indoors and 3 plants outdoors but plants would not be permitted to be grown indoors and outdoors at the same time.

A registered or designated person is responsible for taking all necessary measures to ensure the security of the cannabis in his/her possession, in storage, and in his/her production area. Health Canada recommends measures such as:

• strong locks on the doors to the areas where the registered or designated person produces or stores cannabis, or
• installing a home monitoring or alarm system.
Health Canada also recommends that registered and designated persons be discreet with their production. Additional restrictions and requirements can be found on the "Information Bulletin" page linked below.

Individuals who are registered with Health Canada to produce a limited amount of cannabis for medical purposes are expected to obey all federal, provincial and municipal laws and by-laws.

Information sharing

Health Canada may only share personal information about individuals who are authorized to produce a limited amount of cannabis for their own medical purposes in accordance with applicable privacy legislation. As such, Health Canada may respond to requests from municipal and other local authorities for information.

Specifically, Health Canada is prepared to share aggregate information about the number of registrations for personal-use production or production by a designated person identifying an address for production in a given town or city, as well as a breakdown by postal code where there is sufficient aggregate data. Any information shared with municipalities will be done so in accordance with the Privacy Act.

Municipalities interested in receiving this information may contact Health Canada at omc-bcm@hc-sc.gc.ca or by phone, at 1-866-337-7705.
The ACMPR permit Health Canada to share personal information about registered and designated persons with law enforcement for the purposes of investigations, such as the names of registered and designated persons, the locations where these individuals are permitted to produce and store cannabis and the status of their registration. If you have concerns about whether a person is permitted to produce cannabis, you may wish to contact law enforcement.

Information concerning how plant limits are established, statistics concerning licensed producers and other information about the regulations can be found in the links below.

Information for Law Enforcement

Information bulletin: safety and security considerations when producing cannabis for your own medical purposes

Date modified:
2016-08-19
Growing non-medical cannabis at home in British Columbia

Under the Cannabis Control and Licensing Act, adults 19 years and older may grow up to four non-medical cannabis plants at the dwelling house where they ordinarily reside.

Non-medical cannabis plants cannot be grown in a place that is generally visible from a public place, such as parks, streets, sidewalks, sports fields, and K-12 school properties.

Cannabis (including authorized medical cannabis) cannot be grown in a home licensed for child care.

Landlords and strata councils may further restrict or prohibit growing non-medical cannabis. Local and Indigenous governments can also further restrict growing non-medical cannabis at home.

In addition, if you wish to grow cannabis inside your home, you may wish to consult your insurance provider to ensure there is no impact on your coverage.

Authorized medical cannabis: See FAQs below.

Frequently Asked Questions

What is the definition of a ‘dwelling house’?
Under the provincial Cannabis Control and Licensing Act, the term ‘dwelling house’ is defined to include all or part of a building occupied as a permanent or temporary residence, the land contiguous with the building and any outbuildings or structures on the land.

If two adults live in the same house can they each grow four plants for a total of eight?
No, not if they live in the same house, unit or suite. British Columbia has aligned with federal legislation, which allows adults 19 years and older to grow up to four non-medical cannabis plants per dwelling house. B.C.’s Cannabis Control and Licensing Act authorizes up to four non-medical cannabis plants per dwelling house regardless of how many adults live at the dwelling house.

If a home/building has two or more suites, can each dwelling grow four plants?
Yes. If a home/building has two (or more) separate suites, the individuals who are ordinarily resident in each separate dwelling are allowed to grow a maximum of four plants.

If an individual is not allowed to grow non-medical cannabis at their residence, can they grow it at a friend or relative’s house?
No. Individuals must ordinarily reside at the place where they are growing non-medical cannabis.

Can individuals with more than one home grow four plants at each location?
No. Individuals cannot grow plants at several different dwelling houses at the same time. If an individual wants to grow non-medical cannabis and has more than one residence, they are only authorized to grow non-medical cannabis at the home at which they are ordinarily resident.
Where can non-medical cannabis plants be grown at home?
Subject to possible property owner and local government restrictions, cannabis can be grown indoors or outdoors including a yard, private deck or balcony, as long as the plants are generally not visible from a public place. Examples of public places include parks, streets, sidewalks, sports fields, and K-12 school properties. If a neighbour can see cannabis plants from their home, deck, yard, or other private place, it is not a violation of the provincial law.

Do non-medical cannabis clone plants count toward the plant total?
Yes. Any clones produced are included in the four plant limit.

Does non-medical cannabis still on the growing plant count towards the 1,000 gram maximum possession limit in a private place?
No. The 1,000 grams of dried non-medical cannabis (or equivalent) maximum possession limit for private places, including at a dwelling house, does not include cannabis still attached to the plant that has not been harvested. As soon as cannabis is harvested, it counts toward the 1,000-gram limit.

If more than one adult lives at a dwelling house is each adult entitled to possess 1,000 grams of dried cannabis (or equivalent)?
No. The maximum limit applies to the household and does not change based on the number of people living in the household; if two or more individuals occupy the same household the limit is still 1,000 grams of dried non-medical cannabis (or equivalent).

Can homegrown non-medical cannabis be sold?
No. Only licensed retailers and BC Cannabis Stores can sell non-medical cannabis. The Liquor Distribution Branch is the sole provincial distributor of non-medical cannabis and the cannabis it purchases must come from a federally licenced producer.

Can homegrown non-medical cannabis be shared with another person?
Yes. Adults can share homegrown non-medical cannabis with another adult, provided the cannabis was legally produced. The public possession limit of up to 30 grams of dried (or equivalent) non-medical cannabis applies, whether you are carrying non-medical cannabis purchased from a legal retailer, or grown at home by yourself or by another adult.

Can homegrown non-medical cannabis be mailed to a friend?
It depends. There is nothing in B.C.’s legislation that prevents individuals from mailing a maximum of 30 grams of dried (or equivalent) homegrown non-medical cannabis to an adult friend. However, the laws in other provinces or territories may restrict product entering from another province. For links to information about the rules and regulations in other provinces and territories, please visit www.getcannabisclarity.ca. If you are sending the cannabis via Canada Post you will need to comply with their packaging requirements. Please note non-medical cannabis cannot be mailed outside Canada.
Factsheet
Growing non-medical cannabis at home in British Columbia

Additional prohibitions/restrictions

Can local government restrict cannabis cultivation?
Yes. Local and Indigenous governments may further restrict non-medical cannabis home growing beyond provincial and federal regulations. If you plan to grow non-medical cannabis at home, find out if your local or Indigenous government has additional rules.

I live in rental housing. Can I grow non-medical cannabis?
Growing non-medical cannabis is prohibited under tenancy agreements entered into before October 17, 2018. For tenancy agreements entered into on or after October 17, 2018, it is up to the landlord and tenant to set the terms and conditions, including whether growing non-medical cannabis will be allowed.

Can strata corporations prohibit non-medical cannabis cultivation?
Yes. Under the Strata Property Act, strata corporations can pass a bylaw, by a ¾ vote of owners, to restrict or ban smoking or growing non-medical cannabis. Strata corporations may find it helpful to seek legal advice before passing bylaws in relation to non-medical cannabis production.

If you live in a strata home, you will need to find out if your strata corporation allows non-medical cannabis growing.

Can individuals authorized by Health Canada to grow medical cannabis also grow four non-medical plants?
Yes. These individuals can grow a maximum of four non-medical cannabis plants in addition to the number of plants Health Canada has authorized for their personal medical use.

Can cooperatives or community gardens allow several adults to grow non-medical cannabis in one place?
No. Individuals must ordinarily reside at the place where they are growing up to four non-medical cannabis plants.

Can I grow medical cannabis at home?
Health Canada regulates personal cultivation of cannabis for medical purposes. The former Access to Cannabis for Medical Purposes Regulations have been incorporated into the federal Cannabis Regulations. The processes for obtaining authorization to access and produce medical cannabis have not changed with legalization of non-medical cannabis. Information on medical cannabis is available from Health Canada.

Additional prohibitions/restrictions
Transporting homegrown non-medical cannabis

Can non-medical cannabis plants be transported by vehicle?
Yes. Up to four non-medical cannabis plants can be transported in a vehicle as long as they are not budding or flowering. If the plants are budding or flowering, they must remain at the dwelling house where they are being grown.

Can homegrown non-medical cannabis be transported by vehicle?
Yes. Homegrown cannabis can be transported in a vehicle as long as it is inaccessible to the driver and occupants (for example, in the trunk), and does not exceed the public possession limit of 30 grams of dried cannabis (or its equivalent).

Penalties/consequences

What are the consequences of illegally growing non-medical cannabis?
Under federal legislation, growing cannabis in violation of the Cannabis Act is a criminal offence and could lead to the seizure of the cannabis, court fines, jail time or a combination of some or all penalties.

Under provincial legislation, growing cannabis in violation of the Cannabis Control and Licensing Act could lead to: seizure of the cannabis and violation ticket, or seizure and court fines or jail or both. Violation ticket amounts range from $230 to $575.

What are the consequences of illegally selling homegrown cannabis?
Under federal legislation selling homegrown cannabis under the Cannabis Act is a criminal offence and could lead to the seizure of the cannabis, court fines, jail time or a combination of some or all penalties.

Under provincial legislation, selling cannabis in contravention of the Cannabis Control and Licensing Act by an individual who is not a licensee could result in a fine of up to $10,000, or imprisonment of up to 6 months, or both. The fines and terms of imprisonment are higher in the case of sales in contravention of the Act by corporations or licensees.
1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the Agricultural Land Commission Act, S.B.C. 2002, c. 36 (ALCA) and regulations in relation to cannabis production in the Agricultural Land Reserve (ALR). The ALCA and regulations will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and regulations. Compliance with the ALCA and regulations in relation to cannabis does not relieve persons from the need to comply with all other applicable laws, regulations and bylaws at the federal, provincial and local government levels.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (now the ALR General Regulation) were amended and the Agricultural Land Reserve Use Regulation (the ALR Use Regulation) was created. Though many concepts contained in the ALCA and regulations remain unchanged, there have been changes related to the use of ALR land for cannabis production. All references in this information bulletin to the ALCA and regulations are as of February 22, 2019, unless otherwise stated.

3. WHETHER CANNABIS PRODUCTION IS A FARM USE

In the past, certain forms of cannabis production, but not others, had been “designated” as farm use by regulation. This was the practice followed when s. 2(2.5) of the former regulation was introduced in July 2018. The fact that certain production required “designation” to be a farm use suggested that non-designated forms of cannabis production:

- were not a farm use; and

- as such, could only be engaged in if the Agricultural Land Commission (the Commission) approved a non-farm use application specific to that use.

On February 22, 2019, s. 2(2.5) of the former regulation was repealed and the ALR Use Regulation was created. The ALR Use Regulation addresses cannabis production in s. 8, in a part of the ALR Use Regulation that is entitled “Farm Uses”, and no longer “designates” a
subset of cannabis production as farm use. This regulatory change clarifies that all forms of cannabis production are a “farm use”.

Because all forms of cannabis production are a “farm use”, cannabis production in the ALR does not contravene the ALCA even if engaged in without the Commission’s approval.

However:

- the ALR Use Regulation specifically allows local governments to prohibit cannabis production in certain forms (see section A of this bulletin); **AND**
- certain other activities associated with cannabis production, such as fill placement or soil removal, may still require proponents to engage with the Commission (see section B of this bulletin).

A. **Local Government Authority To Prohibit**

Local governments play a significant role in determining what kind of cannabis production occurs in their community.

Local governments may regulate or prohibit certain kinds of cannabis production, though they may not prohibit all forms of cannabis production.

Section 8 of the ALR Use Regulation provides:

(1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced

(a) outdoors in a field, or

(b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.

(2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:

(a) the structure was, before July 13, 2018,

(i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or

(ii) under construction for the purpose referred to in subparagraph (i), if that construction

(A) was being conducted in accordance with all applicable authorizations and enactments, and
(B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;

(b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

Section 4 of the ALR Use Regulation provides:

The farm uses referred to in this Part [which includes s. 8] may not be prohibited

(a) by a local government enactment except a bylaw under section 552 [farming area bylaws] of the Local Government Act, or

(b) by a first nation government law, if the activity is conducted on settlement lands.

B. Placing Fill In, And Removing Soil From, The ALR

There are strict rules regarding placement of fill in the ALR and removal of soil from the ALR, even when necessary for a farm use, unless limited exceptions are met.

Q. Do the rules on placement of fill in the ALR and removal of soil from the ALR apply to the construction of structures intended to be used for the production of cannabis?

A. Yes. These rules are found in ss. 35-36 of the ALR Use Regulation and apply generally, to the construction of structures for the production of cannabis, subject only to the limited exceptions summarized below.

Typically even where the fill placement or soil removal is for cannabis production, successful completion of a notice of intent and/or use application process is required before the activity can proceed. This is so unless all of the following conditions are met:

- the fill placement or soil removal are for the purpose of constructing a structure for farm use; AND
- the total area from which the soil is removed or on which fill is placed is 1,000 m² or less; AND
- if the area from which the soil is removed or on which the fill is placed is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain; AND
- the fill is not, and does not contain, construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste), asphalt, glass,
synthetic polymers, treated wood, or unchipped lumber, as none of these may be used as fill in the ALR: ALR Use Regulation, ss. 35-36.

See the Commission’s Information Bulletin #7 – Soil or Fill Use in the ALR for more information.

4. CONSTRUCTION, MAINTENANCE AND OPERATION OF STRUCTURES NECESSARY FOR FARM USE

Subject to any limits and conditions set out in Part 2 of the ALR Use Regulation, the use of land in the ALR to construct, maintain or operate a structure (including a greenhouse), driveway or utility that is necessary for a farm use is designated as a farm use: ALR Use Regulation, s. 5. A designated farm use may be undertaken without making a use application to the Commission.

Q. What does “subject to any limits and conditions set out in Part 2 of the ALR Use Regulation” mean for the construction of structures intended to be used for cannabis production?

A. The construction of structures for cannabis production are limited by the specific limitations for cannabis production set out at s. 8 of the ALR Use Regulation.

In determining whether an activity is “necessary” for a farm use, consideration must be given to whether the nature and size of the activity is proportionate to the farm use. If a landowner claims that an activity is “necessary” for a farm use that has not yet commenced, issues may arise in respect of whether the proposed use is in fact going to occur, and whether the nature and size of activity characterized as “necessary” will in fact be necessary to that use.

5. STORING, PACKING, PREPARING AND PROCESSING FARM PRODUCTS

The ALR Use Regulation refers to certain other activities potentially related to cannabis that local governments may not prohibit, but may regulate, as described in s. 4 of the ALR Use Regulation, such as certain storing, packing, preparing and processing uses set out in s. 11.

The use of land in the ALR for storing, packing, preparing and processing farm products is designated as a farm use, and as such may be undertaken without application to the Commission, if at least 50% of the farm product is (a) produced either on that agricultural land or by an association (as that term is used in the Cooperative Association Act) to which the owner of the agricultural land belongs, or (b) feed required for farm use on that agricultural land: ALR Use Regulation, s. 11(2).
stored and applied is used on the agricultural land on which it was produced, or
(b) any other compost, the compost is from agricultural by-products that were produced for a farm use.

**Cannabis**

8 (1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced
(a) outdoors in a field, or
(b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.

(2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:
(a) the structure was, before July 13, 2018,
(i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or
(ii) under construction for the purpose referred to in subparagraph (i), if that construction
(A) was being conducted in accordance with all applicable authorizations and enactments, and
(B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
(b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

**Horse facilities**

9 (1) The use of agricultural land for commercial horse riding, training and boarding may not be prohibited as described in section 4 if both of the following conditions are met:
(a) facilities for horse riding do not include a racetrack that is or must be licensed by the British Columbia Racing Commission;
District of Peachland
Information Report

To: Mayor and Council
From: Darin Schaal, Director of Planning and Development Services
Date: June 11, 2019
Subject: 2018 Climate Action Revenue Incentive Program (CARIP) Report
Report prepared by: Matt Faucher, Planning & Economic Development Technician

General: The District as signatory to the BC Climate Action Charter (2007) is reimbursed through CARIP 100 percent of all fuel carbon tax paid annually. To receive this money the District must report on the progress the District is making toward carbon neutrality. As part of the CARIP process the report must be made public at both the interim and final stages.


Strategic Plan: This initiative reflects the corporate values to be transparent, accountable and to demonstrate progressive thinking.

Discussion:
The Province of British Columbia along with the vast majority of municipalities in the province are working towards carbon neutrality. As part of this initiative the province created the CARIP. Municipalities in BC who signed onto the BC Climate Action Charter are reimbursed 100% of all fuel carbon tax paid annually through the program. The program requires that municipalities publicly report on the progress they have made towards carbon neutrality.

In 2018, the District of Peachland created 274 tonnes of carbon emissions. This is in comparison to 307 tonnes in 2017, 244 tonnes in 2016, 237 tonnes in 2015, 257 tonnes in 2014, 264 tonnes in 2013 and 282 tonnes in 2012. To work towards carbon neutrality, the District has set up a reserve fund for future initiatives that will further reduce carbon emissions. This satisfies that CARIP requirements.

The final report for 2018 has been completed and is available on the District of Peachland website at http://www.peachland.ca/carip. Copies of the final report have also been made available to Council in hardcopy.

Report/Document: 1 Attached: Available: Nil:

2018 CARIP Report
Local governments are required to submit the 2018 CARIP Climate Action/Carbon Neutral Progress Survey on or before June 1, 2019.

Use Template to Collect Information
This Survey Template has been provided to help local governments complete the survey and report its contents. The template can be used to:

- gather and record survey responses before inputting data into the survey; and/or
- create the public report.

Alternatively, a local government may choose to use a template or format of their own design.

Responses entered into this Survey Template can be cut and pasted into the online survey. The survey asks for up to five actions in each category, and there is a place in the survey to report additional actions if desired. In this Survey Template, simply add more lines to the tables to report more than five actions.

Public Reports:
Public reports must contain the same information as submitted in the 2018 Climate Action/Carbon Neutral Progress Survey. Because respondents are unable to generate a report of survey responses, Ministry staff will send each respondent a PDF version of their CARIP report once it has been completed online.

For purposes of the CARIP Survey, the following definitions apply:

COMMUNITY-WIDE ACTIONS
Actions undertaken to reduce GHG emissions in the community at-large (e.g. not related to corporate operations).

CORPORATE ACTIONS
Actions undertaken to reduce GHG emissions produced as a result of a local government’s delivery of “traditional services”, including fire protection, solid waste management, recreational/cultural services, road and traffic operations, water and wastewater management, and local government administration.

The Government of BC will not collect, use, or disclose personal information using SurveyMonkey®. Please be aware however that IP addresses are collected by SurveyMonkey® itself, and these IP addresses and other information collected will be stored on SurveyMonkey®’s servers located outside of Canada. Please do not provide any third-party information (e.g. refer to others) in your responses to the survey.
The Corporation of the District of Peachland has completed the 2018 Climate Action Revenue Incentive Program (CARIP) Public Report as required by the Province of BC. The CARIP report summarizes actions taken in 2018 and proposed for 2019 to reduce corporate and community-wide energy consumption and greenhouse gas emissions (GHG) and reports on progress towards achieving carbon neutrality.

2018 BROAD PLANNING ACTIONS
Broad Planning Actions

Broad Planning refers to high level planning that sets the stage for GHG emissions reductions, including plans such as Official Community Plans, Integrated Community Sustainability Plans, Climate Action Plans or Community Energy Emissions Plans. Land use planning that focuses on Smart Growth principles (compact, complete, connected, and centred) plays an especially important role in energy and GHG reduction.

<table>
<thead>
<tr>
<th>Q 6 + Q 7 Community-Wide Broad Planning Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed Official Community Plan (OCP) renewal project and adopted revised OCP.</td>
</tr>
<tr>
<td>Continued participation in NSERC.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 8 Community-Wide Broad Planning Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review Zoning Bylaw to ensure consistency with new OCP.</td>
</tr>
<tr>
<td>Continued participation in NSERC.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 9 + Q 10 Corporate Broad Planning Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to update and promote the display at the library to inspire community action to reduce GHG emissions and save energy with renewable energy sources, as well as increase the public understanding of climate change. Think globally &amp; act locally.</td>
</tr>
<tr>
<td>Annual Green Citizen Award.</td>
</tr>
<tr>
<td>Continued support for the Mayor’s Task Force on Climate Change.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 11 Corporate Broad Planning Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to update and promote the display at the library to inspire community action to reduce GHG emissions and save energy with renewable energy sources, as well as increase the public understanding of climate change. Think globally &amp; act locally.</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Broad Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q 12 What is (are) your current GHG reduction target(s)?</td>
</tr>
<tr>
<td>1. 18% reduction in GHG’s below 2007 levels by 2016.</td>
</tr>
<tr>
<td>2. 33% reduction in GHG’s below 2007 levels by 2020.</td>
</tr>
<tr>
<td>3. 80% reduction in GHG’s below 2007 levels by 2050.</td>
</tr>
</tbody>
</table>
Q 13 Are you familiar with your local government's community energy and emissions inventory (e.g. CEEI or another inventory)?

Yes

Q 14 What plans, policies or guidelines govern the implementation of climate mitigation in your community?

- Community Energy and Emissions Plan
- Integrated Community Sustainability Plan
- Community- Wide Climate Action Plan
- Official Community Plan
- Regional Growth Strategy
- Do not have a plan
- Other:

Yes

Q 15 Does your local government have a corporate GHG reduction plan?

Yes

2018 BUILDING AND LIGHTING ACTIONS

Building and Lighting Actions

Low-carbon buildings use the minimum amount of energy needed to provide comfort and safety for their inhabitants and tap into renewable energy sources for heating, cooling and power. These buildings can save money, especially when calculated over the long term. This category also includes reductions realized from energy efficient street lights and lights in parks or other public spaces.

Q 16 + Q 17 Community-Wide Building and Lighting Actions Taken in 2018 + Additional Actions

<table>
<thead>
<tr>
<th>Upgrade to LED lights:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pole mount Christmas street lights (10 displays) (replaced incandescent bulbs)</td>
</tr>
<tr>
<td>Park lights (4 bulbs) (replaced HPS bulbs with 150W LED’s)</td>
</tr>
<tr>
<td>Outside washrooms – upgrade toilets to low flow (4)</td>
</tr>
</tbody>
</table>

| Installation of LED lighting in the 2nd street parking lot. |

| Continue to gather information and support from BC Hydro for the development of solar gardens. |

| Promote use of night sky solar lighting practices throughout the District by adding guidelines into the OCP. |

| Ongoing project to replace existing fluorescent lights with LED lighting (All public sites). |

Q 18 Community-Wide Building and Lighting Actions Proposed for 2019

| Pole mount Christmas street lights (10 displays) (replace incandescent bulbs). |

| Toilet and faucet upgrades. |

| Continue to gather information and support from BC Hydro for the development of solar gardens. |

| Ongoing project to replace existing fluorescent lights with LED lighting (All public sites). |

Q 19 + Q 20 Corporate Building and Lighting Actions Taken in 2018 + Additional Actions

| Upgraded to LED lights – Community Centre, Fire Hall |

| Community Centre: |
Toilet upgrades to low flow (4)
Faucet upgrades to low flow/automatic (5)
Upgrade main room lights to LED (40)
50+ Centre – Removed/eliminated 80 gallon hot water tank and reconnected to an existing tank.
Community Police Office – upgraded furnace.

Q 21 Corporate Building and Lighting Actions Proposed for 2019
Unit heater (HVAC) upgrades.
Upgrading lights to LED.
Commercial boiler at Historic School.
Explore options to update street lights to LED.
Continued implementation of Corporate Energy Management System.
Continue to retrofit buildings as opportunities become available.

Building and Lighting
The Province has committed to taking incremental steps to increase energy-efficiency requirements in the BC Building Code to make buildings net-zero energy ready by 2032. The BC Energy Step Code--a part of the BC Building Code--supports that effort

Q 22 Is your local government aware of the BC Energy Step Code?
Yes
Q 23 Is your local government implementing the BC Energy Step Code?
Yes

P5 2018 ENERGY GENERATION ACTIONS

Energy Generation Actions
A transition to renewable or low-emission energy sources for heating, cooling and power supports large, long-term GHG emissions reductions. Renewable energy including waste heat recovery (e.g. from biogas and biomass), geo-exchange, micro hydroelectric, solar thermal and solar photovoltaic, heat pumps, tidal, wave, and wind energy can be implemented at different scales, e.g. in individual homes, or integrated across neighbourhoods through district energy or co-generation systems.

Q 24 + Q 25 Community-Wide Energy Generation Actions Taken in 2018 + Additional Actions
Continued exploration of DES where applicable and possible integration of DES policies, as next step to the “Policy Options for District Energy Ready Buildings” report from CEA.

Q 26 Community-Wide Energy Generation Actions Proposed for 2019
Continue exploration of DES where applicable and possible integration of DES policies, as next step to the “Policy Options for District Energy Ready Buildings” report from CEA.

**Q 27 + Q 28 Corporate Energy Generation Actions Taken in 2018 + Additional Actions**

Promotion of sustainable development and energy efficiency and inclusion of DES in new developments.

Support implementation of CEEP.

**Q 29 Corporate Energy Generation Actions Proposed for 2019**

Promotion of sustainable development and energy efficiency and inclusion of DES in new developments.

Support implementation of CEEP.

**Energy Generation**

**Q 30 Is your local government developing, or constructing a**

- district energy system
- renewable energy system
- none of the above

**Q 31 Is your local government operating a**

- district energy system
- renewable energy system
- none of the above

**Q 32 Is your local government connected to a district energy system that is operated by another energy provider?**

**Q 33 Are you familiar with the 2018 List of Funding Opportunities for Clean Energy Projects Led by First Nations and Local Governments?**

**AGENDA ITEM # 9.B.**

2018 Climate Action Revenue Incentive Program (CARIP) Report Information...
2018 GREENSPACE/NATURAL RESOURCE PROTECTION ACTIONS

Greenspace Actions

Greenspace/Natural Resource Protection refers to the creation of parks and greenways, boulevards, community forests, urban agriculture, riparian areas, gardens, recreation/school sites, and other green spaces, such as remediated brownfield/contaminated sites as well as the protection of wetlands, waterways and other naturally occurring features.

Q 34 + Q 36 Community-Wide Greenspace Actions Taken in 2018 + Additional Actions (Q 35 below Q 41)

- Re-greening grant – planted 10 new trees.
- Xeriscape highway 97 traffic island.
- Established the Healthy Watershed Committee.

Q 37 Community-Wide Greenspace Actions Proposed for 2019

- Re-greening grant 2019 – plant 10 new trees.
- Upgrade gardens to perennials.
- Xeriscape traffic flares/boulevards.
- Upgrade 0.5km of bioswale.
- Inaugural year of the Healthy Watershed Committee.

Q 38 + Q 39 Corporate Greenspace Actions Taken in 2018 + Additional Actions

- Community to Community Forum with Westbank First Nations.
- Memorandum of Understanding with Westbank First Nations on water licensing and communication. Exchanging information on mutual interests including watersheds and community forests.
- Re-greening grant with BC Hydro – 8 new trees in waterfront parks on Okanagan Lake.

Q 40 Corporate Greenspace Actions Proposed for 2019

- Xeriscaping projects at District offices.

Greenspace

Q 41 Does your local government have urban forest policies, plans or programs?  No
Q 35. Does your local government have policies, plans or programs to support local food production? | Yes

**2018 SOLID WASTE ACTIONS**

**Solid Waste Actions**
Reducing, reusing, recycling, recovering and managing the disposal of the residual solid waste minimizes environmental impacts and supports sustainable environmental management, greenhouse gas reductions, and improved air and water quality.

**Q 42 + Q 43 Community-Wide Solid Waste Actions Taken in 2018 + Additional Actions**

**Q 44 Community-Wide Solid Waste Actions Proposed for 2019**
- New contractor for regional solid waste collection starting October 2019 – to use new green truck fleet using LNG.
- Contractor to set up LNG fuelling station in Kelowna as part of contract in 2019.
- Contractor to use new Route-ware to evaluate and optimize solid waste pickup collection route.
- Continued support and implementation of the Regional Waste Program.
- Continued support and implementation of the Regional Sewer System and the Sewer Phasing Plan.

**Q 45 + Q 46 Corporate Solid Waste Actions Taken in 2018 + Additional Actions**
- Continued implementation of the Sewer Phasing Plan.

**Q 47 Corporate Solid Waste Actions Proposed for 2019**
- Continued implementation of the Sewer Phasing Plan.
Q 48 Does your local government have construction and demolition waste reduction policies, plans or programs? | No
---|---
Q 49 Does your local government have organics reduction/diversion policies, plans or programs? | Yes

2018 TRANSPORTATION ACTIONS

Transportation Actions
Transportation actions that increase transportation system efficiency emphasize the movement of people and goods, and give priority to more efficient modes, e.g. walking, cycling and public transit, can contribute to reductions in GHG emissions and more livable communities.

<table>
<thead>
<tr>
<th>Q 50 + Q 51 Community-Wide Transportation Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installed 1st EV charging station on new parking lot on 2nd Street (2 EV charging stations).</td>
</tr>
<tr>
<td>Continued support and participation in STPCO.</td>
</tr>
<tr>
<td>Complete work on the OCP renewal project.</td>
</tr>
<tr>
<td>Planning phase with MOTI, West Kelowna and Summerland for an active transportation link between the communities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 52 Community-Wide Transportation Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continued support and participation in STPCO.</td>
</tr>
<tr>
<td>Planning phase with MOTI, West Kelowna and Summerland for an active transportation link between the communities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 53 + Q 54 Corporate Transportation Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removed/sold one older pickup from fleet.</td>
</tr>
<tr>
<td>Replaced one older pickup truck with a new one with smaller engine.</td>
</tr>
<tr>
<td>Replaced one older Fire Department Pumper truck with a new one.</td>
</tr>
<tr>
<td>Replaced one older Fire Department pickup truck with newer one.</td>
</tr>
<tr>
<td>Partnering in Phase 1 planning for active transportation route to Summerland.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 55 Corporate Transportation - Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigate acquisition of EV or hybrid fleet vehicle.</td>
</tr>
<tr>
<td>Participate in bike to work week.</td>
</tr>
<tr>
<td>Replaced one older pickup truck with a new plug in hybrid vehicle</td>
</tr>
</tbody>
</table>
Q 56 Does your local government have policies, plans or programs to support:
- Walking
- Cycling
- Transit Use
- Electric Vehicle Use
- Other (please specify)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>N/A</th>
</tr>
</thead>
</table>

Q 57 Does your local government have a Transportation Demand Management (TDM) strategy (e.g. to reduce single-vehicle occupancy trips, increase travel options, provide incentives to encourage individuals to modify travel behaviour)?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
</tr>
</thead>
</table>

Q 58 Does your local government integrate its transportation and land use planning?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
</tr>
</thead>
</table>

### 2018 WATER AND WASTEWATER ACTIONS

**Water and Wastewater Actions**

Managing and reducing water consumption and wastewater is an important aspect of developing a sustainable built environment that supports healthy communities, protects ecological integrity, and reduces GHG emissions.

<table>
<thead>
<tr>
<th>Q 59 + Q 60 Community-Wide Water and Wastewater Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintained the Centennial Walkway Bioswale.</td>
</tr>
<tr>
<td>Continued implementation of the Water Master Plan and all Regional initiatives.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 61 Community-Wide Water and Wastewater Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of Water Treatment Plant began in January 2019 (will reduce treatment costs and chemical delivery costs due to onsite-chemical generation).</td>
</tr>
<tr>
<td>Construction to interconnect into one water distribution system to start in Summer of 2019 (will reduce energy consumption and treatment costs).</td>
</tr>
<tr>
<td>Replace a wastewater pump with newer one at Main Lift Station.</td>
</tr>
<tr>
<td>Replace a VFD (Variable Frequency Drive) at Swim Bay Lift station with more efficient one.</td>
</tr>
<tr>
<td>Continued implementation of the Water Master Plan and all Regional initiatives.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 62 + Q 63 Corporate Water and Wastewater Actions Taken in 2018 + Additional Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xeriscape intersection of Highway 97 and Princeton Avenue.</td>
</tr>
<tr>
<td>Beginning phased installation of low flow toilets and automatic faucets for public spaces.</td>
</tr>
<tr>
<td>Beginning construction of a new water treatment plant to service the entire community.</td>
</tr>
<tr>
<td>Mayor’s Task Force on Climate Change promoting WaterWise initiatives including WaterWise gardening workshop.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q 64 Corporate Water and Wastewater Actions Proposed for 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of a new water treatment plant to service the entire community.</td>
</tr>
</tbody>
</table>
Mayor’s Task Force on Climate Change promoting WaterWise initiatives including WaterWise gardening workshop.

| Q 65 Does your local government have water conservation policies, plans or programs? | Yes |

## 2018 CLIMATE CHANGE ADAPTATION ACTIONS

This section of the CARIP survey is designed to collect information related to the types of climate impacts local governments are experiencing and how they are being addressed.

<table>
<thead>
<tr>
<th>Q 66 Please identify the THREE climate impacts that are most relevant to your Local Government.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Warmer winter temperatures reducing snowpack</td>
<td></td>
</tr>
<tr>
<td>• Changes to temperature and precipitation causing seasonal drought</td>
<td></td>
</tr>
<tr>
<td>• Increased temperatures increasing wildfire activity</td>
<td></td>
</tr>
</tbody>
</table>

Other (please specify):

<table>
<thead>
<tr>
<th>Q 67 In 2018 has your local government addressed the impacts of a changing climate using any of the following?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk and Vulnerability Assessments</td>
<td>Yes</td>
</tr>
<tr>
<td>Risk Reduction Strategies</td>
<td>Yes</td>
</tr>
<tr>
<td>Emergency Response Planning</td>
<td>Yes</td>
</tr>
<tr>
<td>Asset Management</td>
<td>Yes</td>
</tr>
<tr>
<td>Natural/Eco Asset Management Strategies</td>
<td>Yes</td>
</tr>
<tr>
<td>Infrastructure Upgrades (e.g. stormwater system upgrades)</td>
<td>Yes</td>
</tr>
<tr>
<td>Beach Nourishment Projects</td>
<td>No</td>
</tr>
<tr>
<td>Economic Diversification Initiatives</td>
<td>No</td>
</tr>
<tr>
<td>Strategic and Financial Planning</td>
<td>Yes</td>
</tr>
<tr>
<td>Cross-Department Working Groups</td>
<td>Yes</td>
</tr>
<tr>
<td>Official Community Plan Policy Changes</td>
<td>Yes</td>
</tr>
<tr>
<td>Changes to Zoning and other Bylaws and Regulations</td>
<td>Yes</td>
</tr>
<tr>
<td>Incentives for Property Owners (e.g. reducing storm water run-off)</td>
<td>No</td>
</tr>
<tr>
<td>Public Education and Awareness</td>
<td>Yes</td>
</tr>
<tr>
<td>Research</td>
<td>Yes</td>
</tr>
<tr>
<td>Mapping</td>
<td>Yes</td>
</tr>
<tr>
<td>Partnerships</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Other (please specify):
### Q 68 Climate Change Adaptation Actions Taken in 2018

Please elaborate on key actions and/or partnerships your local government has engaged in to prepare for, and adapt to a changing climate. Add links to key documents and information where appropriate.

- Regional Flood Planning Group.
- Regional Flood Mapping.
- OCP Update.
- Operations & Recreation Department Flood Working Partnership.
- Okanagan Nation on Data Sharing.

### Q 69 Climate Change Adaptation Actions Proposed for 2019

- Erosion protection measures and flood mitigation measures along the foreshore which should encourage beach nourishment.
- Mayor’s Task Force on Climate Change meets as a committee of Council bi-monthly or as called.

### Q 70 For more information please contact

- RDCO (Regional District Central Okanagan)
- OBWB (Okanagan Basin Water Board)
- Mayor’s Task Force on Climate Change
- Parks Department
Q 71. The following are key resources that may be helpful to your local government in identifying climate impacts, as well as, strategies, actions and funding to deal with them. For those resources that you have used, please indicate whether they were useful in advancing your work in climate change adaptation?

| Indicators of Climate Change for British Columbia | Useful |
| Plan2Adapt | Useful |
| Climate Projections for Metro Vancouver | Haven’t Used |
| Climate Projections for the Capital Region | Haven’t Used |
| Climate Projections for the Cowichan Valley Regional District | Haven’t Used |
| Province of BC’s BC Adapts Video Series | Haven’t Used |
| Preparing for Climate Change: Implementation Guide for Local Governments | Useful |
| Public Infrastructure and Engineering Vulnerability Committee’s (PIEVC) | Haven’t Used |
| Sea Level Rise Adaptation Primer | Haven’t Used |
| BC Regional Adaptation Collaborative Webinars | Haven’t Used |
| Retooling for Climate Change | Haven’t Used |
| Water Balance Model | Haven’t Used |
| Water Conservation Calculator | Useful |

Funding:
- National Disaster Mitigation Program (NDMP)
- Community Emergency Preparedness Fund (CEPF)
- Municipalities for Climate Innovation Program (MCIP)
- Climate Adaptation Partner Grants (FCM)
- Infrastructure Planning Grants (MAH)
- Federal Gas Tax Fund

Other (please specify)

2018 OTHER CLIMATE ACTIONS

Other Climate Actions
This section provides local governments the opportunity to report other climate actions that are not captured in the categories above.

Q 72 Community-Wide Other Actions Taken in 2018

- Continued implementation of Anti-Engine Idling Policy.
- Continued implementation of Fleet Management Program.

Q 73 Corporate Other Actions Taken in 2018
Other

| Q 74 Are you familiar with the Community Lifecycle Infrastructure Costing Tool (CLIC)? | Yes |
| Q 75 Is your local government using the CLIC tool? | No |

**INNOVATION AND PEER-TO-PEER LEARNING**

**Innovation**

This section provides the opportunity to showcase an innovative Corporate and/or Community-Wide GHG reduction and/or climate change adaptation activity that your local government has undertaken and that has had, or has the potential to have, a significant impact. You are welcome to highlight an action that has already been listed.

Projects included here may be featured as success stories on the B.C. Climate Action Toolkit and/or shared with other local governments to inspire further climate action. Please add links to additional information where possible.

Communities that have conducted innovative initiatives may want to consider making applications to CEA’s Climate and Energy Action Awards, FCM Sustainable Communities Awards or to FCM’s National Measures Report.

| Q 76 Community-Wide Innovation Action |
| Q 77 Corporate Innovation Action |
| Q 78 For more information on actions described above contact |

**Programs, Partnerships and Funding Opportunities**

Local governments often rely on programs, partnerships and funding opportunities to achieve their climate action goals. Please share the names of programs and organizations that have supported your local government’s climate actions by listing each entry in the box below separated by a forward slash (e.g. program1/program2).

**Mitigation**
Q 79 Mitigation Programs, Partnerships and Funding

BC Hydro Re-greening Program.

Adaptation

Q 80 Adaptation Programs, Partnerships and Funding

2018 CARBON NEUTRAL REPORTING

Local governments are required to report on their progress in achieving their carbon neutral goal under the B.C. Climate Action Charter. Working with B.C. local governments, the joint Provincial-UBCM Green Communities Committee (GCC) has established a common approach to determining carbon neutrality for the purposes of the Climate Action Charter, including a Carbon Neutral Framework and supporting guidance for local governments on how to become carbon neutral.

Prior to completing this portion of the survey, please ensure that you are familiar with guidance available on the B.C. Climate Action Toolkit website, especially the Workbook and Becoming Carbon Neutral: A Guide for Local Governments in British Columbia.

Please note: As a result of the BC Recycling Regulation, local governments are no longer required to account for GHG emissions from vehicles, equipment and machinery required for the collection, transportation and diversion of packaging and printed paper, in their annual Climate Action Revenue Incentive Program (CARIP) reports.

Reporting Emissions

<table>
<thead>
<tr>
<th>Q 81 Did your local government measure corporate GHG emissions for 2018?</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q 82 If your local government measured 2018 corporate GHG emissions, please report the number of corporate GHG emissions from services delivered directly by your local government (in tonnes of carbon dioxide equivalent)</td>
<td>267</td>
</tr>
<tr>
<td>Q 83 If your local government measured 2018 corporate GHG emissions, please report the number of corporate GHG emissions from contracted services (in tonnes of carbon dioxide equivalent)</td>
<td>N/A</td>
</tr>
</tbody>
</table>
**Q 84 TOTAL A: CORPORATE GHG EMISSIONS FOR 2018** (Direct GHGs + Contracted GHGs)  
267 tCO₂e

**Reporting Reductions and Offsets**

To be carbon neutral, a local government must balance their TOTAL corporate GHG emissions generated in 2018 by one or a combination of the following actions:

- undertake GCC-supported Option 1 Project(s)
- undertake GCC-supported Option 2 Project(s)
- purchase carbon offsets from a credible offset provider

*For more information about options to balance or offset corporate GHG emissions please refer to Becoming Carbon Neutral: A Guidebook for Local Governments in British Columbia.*

If applicable, please report the 2018 GHG emissions reductions (in tonnes of carbon dioxide equivalent (tCO₂e)) being claimed from any of the following Option 1 GHG Reduction Projects:

<table>
<thead>
<tr>
<th>OPTION 1 PROJECTS</th>
<th>REDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q 85 Energy Efficient Retrofits (in tonnes of carbon dioxide equivalent (tCO₂e))</td>
<td></td>
</tr>
<tr>
<td>Q 86 Solar Thermal (in tonnes of carbon dioxide equivalent (tCO₂e))</td>
<td></td>
</tr>
<tr>
<td>Q 87 Household Organic Waste Composting (in tonnes of carbon dioxide equivalent (tCO₂e))</td>
<td></td>
</tr>
<tr>
<td>Q 88 Low Emission Vehicles (in tonnes of carbon dioxide equivalent (tCO₂e))</td>
<td></td>
</tr>
<tr>
<td>Q 89 Avoided Forest Conversion (in tonnes of carbon dioxide equivalent (tCO₂e))</td>
<td></td>
</tr>
<tr>
<td>Q 90 TOTAL B: REDUCTIONS FROM ALL OPTION 1 PROJECTS FOR 2018</td>
<td>0 tCO₂e</td>
</tr>
</tbody>
</table>

**Q 91** If applicable, please report the names and 2018 GHG emissions reductions (in tonnes of carbon dioxide equivalent (tCO₂e)) being claimed from Option 2 GHG Reduction Projects:

<table>
<thead>
<tr>
<th>Option 2 Project Name</th>
<th>REDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 2 GHGs Reduced (tCO₂e)</td>
<td></td>
</tr>
<tr>
<td>Option 2 Project Name</td>
<td></td>
</tr>
</tbody>
</table>
Option 2 GHGs Reduced (tCO2e)

Option 2 Project Name

Option 2 GHGs Reduced (tCO2e)

Q 92 TOTAL C: REDUCTIONS FROM ALL OPTION 2 PROJECTS FOR 2018 0 tCO2e

Offsets

Q 93 If applicable, please report the name of the offset provider, type of project and number of offsets purchased (in tonnes of carbon dioxide equivalent (tCO2e)) from an offset provider for the 2018 reporting year:

NOTE: DO NOT INCLUDE ANY FUNDS THAT MAY BE SET ASIDE IN A CLIMATE ACTION RESERVE FUND.

Offset Provider Name

Offsets (tCO2e)

Q 94 TOTAL D: OFFSETS PURCHASED FOR 2018 0 tCO2e

Q 95 TOTAL REDUCTIONS AND OFFSETS FOR 2018 (Total B+C+D) = _____________ tCO2e

Corporate GHG Emissions Balance for 2018

Your local government's Corporate GHG Emissions Balance is the difference between total corporate offsetable GHG emissions (direct + contracted emissions) and the GHG emissions reduced through GCC Option 1 and Option 2 projects and/or the purchase of offsets.

Q 96 CORPORATE GHG EMISSIONS BALANCE FOR 2018 = (A – (B+C+D)) = ___267____ tCO2e
If your Corporate GHG Emissions Balance is negative or zero, your local government is carbon neutral.

CONGRATULATIONS!

Q 97 If your local government was carbon neutral in 2018, please record any emissions reductions you will be carrying over for future years and the source of the reductions, including the year they were earned (e.g. organics diversion, 2018 100 tCO2e)

<table>
<thead>
<tr>
<th>SOURCE OF CARRY OVER EMISSION REDUCTIONS (and year earned)</th>
<th>REDUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Q 98 BALANCE OF REDUCTIONS ELIGIBLE FOR CARRY OVER TO NEXT YEAR 0 tCO2e

Carbon Neutral Reporting

Q 99 Does your local government set aside funds in a climate reserve fund or similar? Yes

GCC CLIMATE ACTION RECOGNITION PROGRAM

Green Communities Committee Climate Action Recognition Program

The joint Provincial-UBCM Green Communities Committee (GCC) is pleased to be continuing the Climate Action Recognition Program again this year. This multi-level program provides the GCC with an opportunity to review and publicly recognize the progress and achievements of each Climate Action Charter (Charter) signatory.

Recognition is provided on an annual basis to local governments who demonstrate progress on their Charter commitments, according to the following:

**Level 1 – Demonstrating Progress on Charter Commitments:** For local governments who demonstrate progress on fulfilling one or more of their Charter commitments.

**Level 2 – Measuring GHG Emissions:** For local governments that achieve Level 1, and who have measured their Corporate GHG Emissions for the reporting year and demonstrate that they are familiar with their community’s energy and emissions inventory (i.e. CEEI)
**Level 3 – Accelerating Progress on Charter Commitments:** For those local governments who have achieved Level 1 and 2 and have demonstrated undertaking significant action (corporately or community wide) to reduce GHG emissions in the reporting year (e.g. through undertaking a GHG reduction project, purchasing offsets, establishing a reserve fund).

**Level 4 - Achievement of Carbon Neutrality:** For local governments who achieve carbon neutrality in the reporting year.

Q 100 Based on your local government's 2018 CARIP Climate Action/Carbon Neutral Progress Survey, please check the GCC Climate Action Recognition Program level that best applies:

<table>
<thead>
<tr>
<th>Level 1 – Demonstrating Progress on Charter Commitments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 2 – Measuring GHG Emissions</td>
<td></td>
</tr>
<tr>
<td>Level 3 – Accelerating Progress on Charter Commitments</td>
<td>X</td>
</tr>
<tr>
<td>Level 4 - Achievement of Carbon Neutrality</td>
<td></td>
</tr>
<tr>
<td>Not Sure</td>
<td></td>
</tr>
</tbody>
</table>

Q 101 Related to Level 3 recognition, if applicable, please identify any new or ongoing corporate or community wide GHG reduction projects (other than an Option 1 or Option 2 project) undertaken by your local government that reflects a significant investment of time and/or financial resources and is intended to result in significant GHG reductions:

| PROJECT NAME: |       |
Totals Calendar Year 2018, Peachland, District of

<table>
<thead>
<tr>
<th>Measure</th>
<th>Quantity</th>
<th>CO₂</th>
<th>BioCO₂</th>
<th>CH₄</th>
<th>N₂O</th>
<th>tCO₂e</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope 1 (Direct) Emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Combustion (Fleet)</td>
<td>Litres</td>
<td>77,213.90 182.67</td>
<td>6.62</td>
<td>0.02</td>
<td>0.03</td>
<td>199.60</td>
</tr>
<tr>
<td>Stationary Combustion, Reported</td>
<td>GigaJoules</td>
<td>1,253.99</td>
<td>62.17</td>
<td>0.00</td>
<td>0.00</td>
<td>62.54</td>
</tr>
<tr>
<td>Scope 2 (Indirect) Emissions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchased Energy, Reported</td>
<td>GigaJoules</td>
<td>3,853.38</td>
<td>11.56</td>
<td>0.00</td>
<td>0.00</td>
<td>11.56</td>
</tr>
<tr>
<td>Total Emissions, Calendar Year 2018</td>
<td></td>
<td>256.40</td>
<td>6.62</td>
<td>0.02</td>
<td>0.03</td>
<td>274</td>
</tr>
<tr>
<td>Carbon Neutral or Offset Exempt</td>
<td></td>
<td>0.00</td>
<td>6.62</td>
<td>0.00</td>
<td>0.00</td>
<td>7</td>
</tr>
<tr>
<td>Total for Offsets⁴</td>
<td></td>
<td>256.40</td>
<td>0.00</td>
<td>0.02</td>
<td>0.03</td>
<td>267</td>
</tr>
</tbody>
</table>

Each greenhouse gas has been converted to a standard measurement (tCO₂e) by multiplying its emissions by its global warming potential (GWP). The GWP of carbon dioxide (CO₂) from ¹, both anthropogenic and biogenic sources is 1; methane (CH₄) is 25, and nitrous oxide (N₂O) is 298. The Totals for tCO₂e are shown here rounded to the nearest whole metric tonne as only whole tonnes of tCO₂e can be purchased for offsets.

2. Estimated data has been calculated based on the methods described in the Methodology Document.

3. Reported data refers to consumption which has been directly billed to the organization.

4. The tCO₂e value from the "Total for Offsets" line represents the quantity of offset purchases required to become carbon neutral.
## Calculation of carbon tax paid directly by the local government for fuel purchased between January 1 and December 31, 2018

<table>
<thead>
<tr>
<th>Fuel Type</th>
<th>Unit measure</th>
<th>Units</th>
<th>Tax Rate per unit, January 1, 2018 to March 31, 2018</th>
<th>Carbon Tax paid</th>
<th>Tax Rate per unit, April 1, 2018 to December 31, 2018</th>
<th>Carbon Tax paid</th>
<th>Total Carbon Tax Paid in 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasoline</td>
<td>Litre</td>
<td>10461</td>
<td>0.0667</td>
<td>697.7487</td>
<td>0.7778</td>
<td>2305.214</td>
<td>3002.9627</td>
</tr>
<tr>
<td>Diesel</td>
<td>Litre</td>
<td>14124</td>
<td>0.0767</td>
<td>1083.3108</td>
<td>0.895</td>
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**Total Carbon Tax Paid:** 2771.587724 4633.787591 7405.385315

1. Only list fuels that were purchased for the local government's own use, on which carbon tax was paid, and where that carbon tax was not refunded or recovered from another party (e.g., through a lease arrangement). Also do not include any fuels that were exempted from carbon tax (for more information on exemptions see the Carbon Tax Act and its Regulations).

2. Bio-diesel blends must be proportioned in order to claim the diesel and bio-diesel portions on the appropriate line. The proportion of the blend (B5, B10, B15 etc) that is conventional hydrocarbon-based diesel is included on the diesel line; consequently, the bio-diesel pro-rated amount must be entered on the bio-diesel line. For example, a 10,000 litre purchase of B10, which is 10% bio-diesel and 90% hydrocarbon-based diesel, would be recorded as 9,000 litres hydrocarbon-based diesel (90% of 10,000 purchased litres) and bio-diesel would be recorded as 1000 litres (10% of purchased bio-diesel).

3. Marketable Natural Gas may be recorded at either Gigajoules or m3

4. Low Heat Value Coal includes Sub-Bituminous Coal, High Heat Value Coal includes Bituminous Coal

5. Only include tires if they are combusted.

I declare that the information contained in this Carbon Tax Calculation Form is true and correct and based on actual accounting records and not estimates. I am also aware of the requirement to report publicly by June 1st.
To: Mayor and Council

From: Director of Community Services Cheryl Wiebe

Date: June 3, 2019

Subject: Food Vending and Food Trucks at Events

Recommendation: THAT Council provide direction on mobile vending and food trucks at events in municipal parks.

Chief Administrative Officer’s Comments:

I support the recommendation: ________________________________

Implications of Recommendation:

General: Currently food vending and food trucks are permitted at events under conditions of a Special Event Permit

Organizational: Special events are approved by the Director of Community Services

Financial: Within budget

Policy: FIN-035 – Community Recreation Policy/Bylaw 939 Bylaw to Regulate Special Events Within the Corporation of the District of Peachland.

Strategic Plan: The District of Peachland exists to provide affordable, quality local services to taxpayers, residents, and businesses. Council engages the community in two-way exchanges to fully understand the community’s needs and aspirations – Council’s decisions for and on behalf of the community are based on this understanding.

Background:

Special events are administered by the Community Services department. Special events are required to submit an event application and are subject to the rules provided in the Community Recreation Policy (FIN-035) and the Bylaw 939 - Bylaw to Regulate Special Events Within the Corporation of the District of Peachland. The Director reviews all applications and often meets with organizers to ensure the terms of both the policy, bylaw and other regulations are adhered to.

Although some of the language of the bylaw is outdated, the current practice still align with the intent of the bylaw. The bylaw states “Application for a Permit be made on the specified form (schedule A) attached and forming part of this Bylaw, and shall be accompanied by the following…. (v) food and drink storage, dispensing and use.” There is nothing in the bylaw or the policy that prohibits or restricts the use
of food trucks or food vendors provided that they have the required licensing from Interior Health to operate. Interior Health may also require event organizers to provide toilet and handwashing facilities, potable water, garbage collection and removal, emergency response planning and site safety/medical. The Fire Department also requires that food trucks have been inspected by a local fire authority to ensure compliance. The Director of Community Services works with groups to ensure that vendors and food trucks are compliant with the regulations.

A survey of local municipalities revealed that most municipalities follow the same practice – food trucks and food vendors are permitted at events in municipal parks with approval from the municipality. The only exception is West Kelowna. West Kelowna only allows food trucks/food vendors at municipal special events – not other events in parks. Their Bylaw office has noted that the bylaw is outdated and will be reviewed in the fall of 2019. West Kelowna Recreation does provide a Food Truck event 1-2 times per year at the Lions Hall.

The Government of Canada Competition Bureau has released a document titled, “Promoting Fair Competition in the Restaurant and Mobile Food Industry”. The report notes that there is “an ever evolving consumer preference for convenient and diversified food offering”. The report further states that “restricting the ability for food trucks to compete in the food service industry can reduce consumer choice and stifle innovation….In finding the right regulatory balance, municipalities should take an evidence-based approach, look to emerging best practices, and consider the benefits of embracing new forms of competition.”

The benefits of mobile food services include:

- Event/street vitality
- Pedestrian friendly
- Affordable, diverse and convenient food options
- Attracts visitors to events that they would not otherwise attend
- Family and pet friendly
- Safety – additional eyes on the event/street
- Provides options when the restaurants are already full
- Lowers the barrier of startup costs for inspiring chefs/entrepreneurs

Evidence shows that food trucks attract a different clientele – a clientele that is not likely to walk across the street for a sit down meal.

Other municipalities manage food vendors and food trucks for events much like we do - event application approval by the municipality with evidence of Business License, Fire Inspection, Interior Health permit, etc.

The City of Kamloops has a further step where food trucks must – upon invitation by an event organizer – have a special event food truck permit issued by the municipality:

- Attendance less than 500  $50
- Attendance 500-1000  $100
- Attendance greater than 1000  $200
- Seasonal (i.e.: market)  $425
If we consider food vendors and food trucks as unfair competition, we also need to consider other vendors that are conducting business at markets and events that could impact other bricks and mortar business owners. For example, the local farmers market has bakery items, produce, ladies accessories and clothes, pet accessories, home and yard accessories and much more. Similar to the restaurants, local businesses who offer similar services may indicate unfair competition with the market or event vendors.

The Competition Bureau does “not view competition from low costs business models as unfair or something that regulators should seek to discourage. Regardless, the Bureau found no clear evidence that shows detrimental impacts of mobile food services on restaurants. Rather than being “unfair competition”, mobile food services and restaurants largely reflect two different business models with different levels of investments and services.”

Vendors and food trucks outside of special events in parks is covered by the Outdoor and Food Vending Encroachment policy (PRO-150) which is beyond of the scope of this report.

Options for Council:

1. Endorse the current practice for food vending/trucks at events in municipal parks
2. Provide direction to staff on changes to food vending/trucks at events in municipal parks

Report/Document: Attached: x Available: x Nil:

Attached:

Promoting Fair Competition in the Restaurant and Mobile Food Industry

FIN-035 – Community Recreation Policy

Bylaw 939 Bylaw to Regulate Special Events Within the Corporation of the District of Peachland

Available:

PRO-150 Outdoor and Food Vending Encroachment

Options: 1. COUNCIL MAY CHOOSE TO SUPPORT THE RECOMMENDATION
2. COUNCIL MAY CHOOSE TO REFER BACK TO STAFF FOR ADDITIONAL INFORMATION
3. COUNCIL CAN CHOOSE TO NOT SUPPORT THE RECOMMENDATION
On this page

- The Competition Bureau encourages municipalities to review mobile food regulations
- Mobile food services revival
- Benefits of mobile food services
- Mobile food regulations vary significantly across Canada
- Impact of regulation in the mobile food industry
- Are mobile food services “unfair competition” to bricks-and-mortar restaurants?
- Restrictive regulations can make it difficult to compete, but best practices are emerging
- The Bureau invites municipalities to re-think their regulations based on best available evidence

The Competition Bureau encourages municipalities to review mobile food regulations

It's noon at the office and you are thinking about quick and convenient food options, having rushed out the door in the morning without time to pack a lunch. Sound familiar? You are not alone. Around 60% of Canadians eat out at least once a week.

Buoyed by strong demand and ever-evolving consumer preferences for convenient and diversified food offerings, the food truck movement that gained popularity over the past decade in a number of urban centres throughout the United States has made significant inroads in Canada.

While Canadian consumers have been quick to embrace the food truck movement, the response from municipalities and incumbent food service providers has not always been so welcoming. Municipal regulations often limit where food trucks can be located, the number of continuous hours they can operate and the number of providers permitted in a given area. While these regulations can serve legitimate urban planning or other policy goals, some restrictions may go further than necessary. Restricting the ability of food trucks to compete in the food service industry can reduce consumer choice and stifle innovation.
Many Canadian municipalities have improved market access for mobile food services in recent years, but there is room for more progress to be made. In finding the right regulatory balance, municipalities should take an evidence-based approach, look to emerging best practices, and consider the benefits of embracing new forms of competition. In particular, cities could try to level the playing field between bricks-and-mortar restaurants and food trucks, and avoid imposing regulations on mobile food providers that disproportionately impede their ability to compete with restaurants. As outlined below, evidence suggests that the two models can successfully co-exist in the marketplace.

Mobile food services revival

Many credit the food truck revival to the 2008 launch of Kogi, a Los Angeles based food truck. Kogi revolutionized a staid, mobile food industry that primarily offered basic food items such as hot dogs and fries, by leveraging social media to drive demand for its innovative Korean-Mexican fusion cuisine. The consumer demand for this new type of mobile food offering was so significant that Kogi exceeded $2 million USD in annual sales in its first year of operations. This inspired other entrepreneurs and young chefs to open food trucks and to offer gourmet-calibre meals at a lower price than traditional restaurants, often attracting a younger clientele. Today, the broader mobile food services industry generates over $2 billion USD in annual revenues.

This trend quickly spilled into Canada. According to IBISWorld, more than 2,200 mobile food services operators in Canada are expected to earn more than $300 million CAD in revenue in 2017.

Benefits of mobile food services

Studies from the US Institute for Justice and the City of Portland show that mobile food services offer many benefits to local residents including greater street vitality, safety (with more “eyes on the street”), pedestrian-friendly environments and neighborhood interaction, affordable and convenient food options, and employment opportunities. Mobile food services can also help fill the void in areas that are not well-served by restaurants and have positive impacts on other fixed businesses by bringing customers to a particular area.

The lackluster reputation regarding food safety in food trucks is long gone. Indeed, comprehensive data shows that mobile food services matched or surpassed restaurants on food safety indicators in the United States.

The lower barriers to entry to establish mobile food services (e.g., low start-up costs) make this business model more accessible to middle-class entrepreneurs, new Canadians and aspiring chefs.

Mobile food regulations vary significantly across Canada
Mechanism for local businesses to oppose mobile food services

Requirement to own or be associated with a "production kitchen" (often a brick-and-mortar restaurant or catering business)

Selection committees (determine which applicant will be granted a license based on different criteria: diversity, quality, etc.)

- Business Improvement Areas in certain cities (e.g., Calgary, Toronto) have the ability to recommend/request restricted zones
- Montreal
- Quebec City (pilot project)
- Montreal
- Ottawa

Impact of regulation in the mobile food industry

Many point to Chicago as a case study on the stifling impact regulations can have on the competitiveness of the mobile food industry (e.g., Montreal Economic Institute). In Chicago, roaming vendors may only operate from a parking spot for a maximum of two hours and are not allowed to operate closer than 60 metres from any business that sells food (including convenience stores and pharmacies) — a contravention of the bylaw is subject to a $2,000 fine. These regulations have consequences for residents, customers, other businesses and the city. Since their introduction in 2012, the regulations have contributed to an estimated 50% decrease in the number of Chicago area food trucks. According to the Illinois Policy Institute, liberalizing the industry could add an additional 6,435 jobs, increase annual sales by Chicago businesses from $120 million to $160 million and increase local sales tax revenues from $2.1 million to $8.5 million.

In Canada, we have seen first-hand how quickly these benefits can accrue when mobile food services regulations are less restrictive. While more progress can still be achieved to reduce requirements, Vancouver and Toronto provide two useful examples of rapid growth in mobile food services. In Vancouver, the number of mobile food providers grew from 17 to over 100 food vendors following the city’s pilot project in 2010. In 2013, Vancouver was actually named third best street food city in North America by Travel & Escape Magazine. Toronto has also seen a major increase in food trucks after it changed its regulations in 2015, reducing its proximity requirement from 50 metres to 30 metres and increasing the number of maximum continuous hours a food truck can operate in a single location from three to five hours. Indeed, the number of food truck licenses in Toronto increased by 400% from 2014 to 2016 (from 14 to 56 food trucks).

Are mobile food services “unfair competition” to bricks-and-mortar restaurants?
Critics of mobile food services, including restaurant associations and owners (e.g., Ontario Restaurant, Motel and Hotel Association, Association des restaurateurs du Québec), have argued that mobile food services represent “unfair competition” to restaurants that pay high operating costs (e.g., high rent and start-up costs). They argue that strict regulations should be in place to avoid direct competition between restaurants and mobile food services. On the other hand, supporters of mobile food services recommend avoiding regulations that unduly limit competition in this industry (e.g., Montreal Economic Institute, The Toronto food truck debate: More competition or legislated cartel?).

Generally speaking, the Bureau does not view competition from low cost business models as unfair or something that regulators should seek to discourage (see info box beside). Regardless, the Bureau found no clear evidence that shows detrimental impacts of mobile food services on restaurants. Rather than being “unfair competition”, mobile food services and restaurants largely reflect two different business models with different levels of investments and services.

**Understanding the Competition Act: what is “unfair competition”?**

While “unfair competition” is not defined under the Competition Act (“Act”), the Act does prohibit certain conduct that is considered anti-competitive, such as:

1. when a dominant firm engages in conduct that is intended to eliminate or discipline a competitor or deter future entry by new competitors (e.g., predatory pricing);
2. deceptive marketing practices (e.g., making false performance claims to gain a market advantage), or
3. agreeing with a competitor to fix prices or market share. Simply having lower start-up and operating costs does not constitute anti-competitive conduct.

In response to “unfair competition” concerns, cities have often enacted stringent operating requirements on food trucks, such as proximity requirements and limits on the number of food trucks in a given area as evidenced above in Table 1.

While mobile food services may compete with certain restaurants at the margin, the two categories are different in many ways. Unlike food trucks, restaurants tend to have a dependable location shielded from weather, seating, personalized services, alcoholic beverages, and other conveniences (music, bathrooms, etc.). Higher-end restaurants offer many more experiences that cannot be replicated by mobile food providers.

In fact, some evidence suggests that mobile food services may be stimulating demand in the food service market by attracting new customers that would not have purchased food at all were it not for the food trucks. Indeed, according to the U.S. Bureau of Labor Statistics and as reported by *The
Economist, counties in the U.S. that experienced higher growth in mobile food services have also had quicker growth in their restaurant and catering businesses.

**Restrictive regulations can make it difficult to compete, but best practices are emerging**

The Bureau recommends that regulators take-stock of their current regulations based on the best practices, evidence and recommendations identified below:

**Proximity requirements**

Municipalities could consider the impact of reducing or repealing proximity requirements to promote competition between food service providers and provide consumers with increased choice. The Bureau has not found any clear evidence that suggests stringent proximity requirements are necessary. If proximity requirements are considered, the Bureau recommends that municipalities limit them as much as possible to protect only “core” business elements of restaurants (e.g., obstructing restaurants from street view; preventing restaurants to leverage unique features, such as scenic views).

**Restricted zones**

Municipalities could consider restricting where food trucks can operate only when there is a legitimate reason to do so. The Bureau recognizes that a number of policy issues are at play in municipal zoning decisions (e.g., traffic management, availability of parking, noise concerns) but food trucks should not be barred from operating in neighbourhoods or commercial centres where bricks-and-mortar restaurants are allowed to operate. If congestion is a concern, cities could consider targeted measures in specific congested areas (e.g., maximum of food trucks per block). Designated spaces also offer a model that has proven successful, as long as there are a sufficient number of spaces available for vendors.

**Selection committees / limits on the number of providers**

Municipalities could consider letting the market choose “economic winners”, instead of imposing limits on the number of vendors or having selection committees triage applications. Customers usually “pick” winners in the food service industry. This should not be different for mobile food providers. While some cities, like the city of Quebec, limit the number of restaurants in certain neighbourhoods, the limits imposed on food trucks should be no more onerous. Clear operating requirements should be sufficient to ensure safe operation of mobile food services. The market will dictate the optimal number of providers. Selection processes could artificially hinder business opportunities by imposing superficial selection criteria and could lead to possible bias (e.g., if the restaurant industry sits on the committee).
Limits on operating hours

Municipalities could consider whether constraints on operating hours are in place for a legitimate reason (e.g., health and safety). Limited operating hours could favour one type of food service provider over another and restrict customers’ choice. The Bureau has not found any evidence that supports the rationale for limited operating hours.

In addition, the Bureau notes a wide range of fees applicable to mobile food providers, from $350 for an annual permit in Montreal (parking fees at designated space are extra and cost between $10 and $40 daily) to $500 per hour to operate in Campbellton, New Brunswick. While the Bureau is not in a position to determine whether fees being charged by municipalities are justified, the Bureau does recommend that fees be supported by a strong rationale and consider current market prices for public use (e.g., the fee charged for a designated space on a street could be in line with the price of parking on that same street). The Bureau does not recommend excessive fees that “artificially” preserve restaurants’ market share.

The Bureau invites municipalities to re-think their regulations based on best available evidence

In response to the growth of mobile food services, a number of municipalities are considering changes to their regulations or have enacted changes over recent years. While the municipalities are best positioned to design regulations that reflect their unique policy objectives and local context, the Bureau does invite municipalities to rethink their regulations based on the best practices identified above and on the best available evidence.

While the Bureau analysis did not focus directly on regulations applicable to restaurants, municipalities should also look to review those regulations to determine whether they remain well tailored to address legitimate policy objectives and whether a lessening of regulations may also be warranted.

Renewed and flexible regulations could offer more choices to Canadians in search of something to eat...at any time of day.

Date modified:
2018-02-14

https://wvwv.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04260.html
**COMMUNITY RECREATION POLICY**

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Please see attached.

Rates and charges are detailed in Parks and Recreation Fees and Charges Bylaw Number 1732 and amendments thereto.
COMMUNITY RECREATION POLICY

Policy:

1. That Recreation Fees and Charges schedules are reviewed, updated and approved by District Council at least every three years in relation to actual operating costs and market comparisons. All new/extraordinary items are approved by District council as required;

2. The District of Peachland has determined that its fees and charges shall reflect:
   a. The degree to which the program or service contributes to the District’s overall goals and objectives;
   b. That all programs and services are evaluated by staff annually in relation to actual operating costs and that the success of a program or service will be determined in relation to the District of Peachland objectives; and
   c. That evaluations will reflect the degree to which the program or service has contributed to the spirit, character and culture of the community and District.

3. Staff does not have the ability to waive or otherwise alter fees and charges. All requests for fee reduction or exemption must be presented and approved annually as per the Civic Grants Policy FIN-025;

4. In the event of a change to fees and charges, the approved rate at the time of facility use will prevail;

5. The public should have adequate advanced notice of increases to the fees and charges rates in order to allow them time to adjust registration fees or fundraising activities to accommodate the increases;

6. The Director of Community Services will be permitted to approve admission or program fees of a special nature on an occasional basis to promote or market the use of facilities or services by the public;

7. Charges outside of The District of Peachland’s authority are the responsibility of the user (i.e. insurance, food and beverage licensing, electrical permits, SOCAN, etc.)

Priorities:

1. The District encourages the development of special events to contribute to a feeling of community identity and spirit;

2. The District recognizes that local recreation groups and agencies contribute to the quality of life in Peachland through their various efforts and supports groups through access to community facilities;

3. The District recognizes the health and wellness benefits of sports and encourages sporting groups to hold events in the community and will give consideration to capital improvements;

4. The District supports artistic groups and encourages partnership agreements to improve facilities. Donation of time and costs to improve facilities will be considered towards payment of rental fees;

5. The District encourages partnership with community groups as well as the entire community in stewardship for the respect and care of natural areas and development of future parks;

6. The District is committed to providing opportunities that:
   a. Encourages participation in opportunities that will integrate age groups and special needs groups;
   b. Encourages families to participate in recreation activities;
   c. Promotes individual health, fitness and wellness;
   d. Promotes social interaction, fosters motor development and growth;
   e. Promotes basic skill development to form the basis of enjoyment of lifetime leisure activities, contributes to the entire motor and physical development and
The Corporation of the District of Peachland

provides a social setting in which social, moral and emotional growth can be fostered;

f. Promotes advanced skill development or connect the community to other opportunities;

g. Promotes activities for youth that enhance positive social, emotional, moral principles and convictions, educational opportunities and life leadership skills;

h. Promotes activities for adults and seniors that enhance well-being including social, health and fitness and educational opportunities that stimulate participation in the community as a whole; and

i. Promotes outdoor education.

7. The District recognizes that communication and dissemination of information is crucial to ensure that all residents are aware of the availability of recreation opportunities and events in the community.
This policy has been divided into the following Divisions:

| Division 1 | Definitions and Interpretations |
| Division 2 | Admission to Facilities |
| Division 3 | Program Fees |
| Division 4 | Low Cost Recreation |
| Division 5 | Refunds or Credits |
| Division 6 | Rental of Equipment/Special Services |
| Division 7 | Rental of Recreation Facilities |
| Division 8 | Liability Insurance for Facility Rentals |
| Division 9 | Damage Deposits |
| Division 10 | Assignment of Rental Fees/Subsidies |
| Division 11 | Gratis Use/Fee Waiver |
| Division 12 | Facility Allocation |
| Division 13 | Booking Cancellation |
| Division 14 | Appeals Mechanism |
| Division 15 | Alcohol Policy |
| Division 16 | Food, Beverage and Retail |
| Division 17 | Service Fees |
| Division 18 | Electronic Sign |
| Division 19 | Event Staging/Planning |
| Division 20 | Recreation Programs – Aquatic Events |

DIVISION 1 - Definitions and Interpretations

For the purposes of this by-law, the following definitions will be used:

**Adult** – Any person 19 years of age and over.

**Charitable Organization** – Any organization that can provide proof of registration number and CCRA number.

**Child/Youth** – Any person up to and including the age of 18.

**Commercial** – Any group whose objective is to gain profit for its owners or an admission charge or fee is collected with the majority of funds being directed to an organization other than a non-profit organization.

**Council** – The Council of The District of Peachland.

**District Persons** – Elected officials, officers, employees, servants, and agents.

**Facility** – Includes any building, or other land improvement, including but not limited to recreation centres, parks and sports fields, sports courts, ball diamonds, gymnasiums, picnic shelters, and other recreation facilities located on any land which the District owns or controls by means of a lease, license or other legal instrument, that is intended for the athletic, social, cultural or recreational use by members of or visitors to the community.

**Family** – A parent(s)/guardian(s) and his or her child(ren) under the age of 18 years.

**Licensee** – The signatory on the “License to Use or Occupy” agreement who has sufficient power, authority and capacity to bind the License with his/her signature.

**License to Use or Occupy** - The invoice/rental agreement issued pursuant to this policy and bylaw for the use of a facility or portion thereof (shall hereby be referred to as the User Agreement).

**Non-Profit** – Any organization registered under the Societies Act or so designated by Council. The group shall meet all the following criteria:

- Membership of the group is open and available to Peachland residents.
- The purpose and practices of the group are not contrary to the BC Human Right Act; or the group is not involved in the promotion of unlawful activities.
- The purpose of the group shall enrich the lives of the residents of Peachland.
The Corporation of the District of Peachland

**Public** – District of Peachland or other government sponsored recreational and educational programs.

**Private** – Any individual or group not otherwise designated that is booking a facility for the purposes of a private function.

**Senior** – Age 65 and over

**User Group** – Any organization that is issued a License to Use or Occupy Agreement.

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**DIVISION 2 – Admission to Facilities**

1. Admission rates will be charged for public sessions, public gymnasium, public fitness rooms and indoor sport use. Fees should be reviewed in accordance with this bylaw and compared to current rates for comparable services in the public and private sectors.

2. Participants must pay at point of entry.

3. During regular operating hours when the gymnasium or banquet room is not being used by the District or by a rental, the facility may be used by individuals for $1.00/person/hour on a first come first serve basis and at the discretion of the Recreation Department.

4. A person with a disability will pay the same rate as others in their age group. An assistant to a person with a disability, where required for participation, is admitted for FREE.

---

**DIVISION 3 – Program Fees**

1. That basic registration or drop-in fees shall be structured to at minimum to recover the program costs (costs of the instructor; expendable/consumable materials; extraordinary costs) and the facility utilized (calculated as per the Fees and Charges Bylaw).

2. Participants must pay at time of registration.

3. Where a participant is unable to attend for personal or medical reasons, a prorated refund will be made. Advanced notice is required. Exceptions may apply for medical reasons - a doctor’s note will be required.

4. Should the District cancel a program, a refund will be processed (see refunds below).

5. Staff may specify notice required for withdrawal from a program for a full refund where financial commitments to run the program are required.

---

**DIVISION 4 – Low Cost Recreation**

The District is committed to developing partnerships and strategies to address access barriers for the residents of Peachland. Seasonally, Recreation staff will ensure that there is either a free or low cost ($1/visit or $10/quarter) non-instructional drop-in opportunity for each demographic including:

- Children/Youth
- Families
- Adults/Seniors

This initiative allows for the promotion of recreation access, getting many of the children/youth, adult/seniors and families involved in proactive recreation and social programs that will assist their daily living, social development, and quality of life which can lead to a healthier community.

---

**DIVISION 5 – Refunds**

Refunds will be granted where a participant is not satisfied with the service provided; or a program or service has been discontinued or cancelled; or a participant has withdrawn. Where a
The Corporation of the District of Peachland

participant has withdrawn, the registration cancellation administration charge is 20% of the program fee.

When payment has been made by:
- *Credit card* - the refund will be processed back to the card immediately. Where the credit card has expired, the refund will be issued by a cheque.
- All other refunds will be processed by cheque.

*Refunds by cheque require up to a one week processing period.*

DIVISION 6 – Rental of Equipment/Special Services

1. A rental fee will be charged for the provision of such equipment and supplies as may be deemed rentable.
2. Fees to be set at market value.
3. The District can provide special services to local groups and organizations on a cost recovery basis if it does not disrupt the routine operation of the District.
4. For all events requiring use of the in-house or portable sound systems, the District requires that a professional sound technician, approved by the Director of Community Services, be present. The exception to this policy is private functions (i.e.: weddings or parties) using the in-house system with a single microphone.

DIVISION 7 - Rental of Recreation Facilities

1. All bookings will be placed on a License to Use or Occupy agreement, whether or not a fee is involved, and the form must be completed, signed and returned with any applicable paperwork prior to the time of the event. Organizations being provided with "Gratis", or rent free usage of a facility must also sign a user agreement in the usual manner.
2. Payment
   a. Rental fees must be paid in full within 48 hours of confirming of the User Agreement;
   b. The District of Peachland reserves the right to demand prior payment of any charges at the time the User Agreement is signed.
3. General conditions will be reviewed annually with the Municipal Insurance Association (MIA) and updated in the User Agreements. General conditions must include:
   - Parties to the agreement;
   - Time period;
   - Intended use of the premises;
   - Identification of property to be used;
   - Insurance requirement (Minimum $2 Million liability) including the District listed as "additional insured";
   - Indemnification/save harmless clause; and
   - Facility/Booking specific costs and conditions.
4. The Applicant shall observe, perform and comply with the requirements of every applicable by-law, statute, regulation or ordinance and with every applicable regulation or order with respect to the condition, maintenance, use or occupation of the facility and any furniture, equipment, supplies, materials or articles.
5. Clean up Charge: All renters are responsible for cleaning up after use. A janitorial service is available. Clean-up charge will be deducted from the damage deposit as per the Fees and Charges bylaw.
6. Any changes to User Agreements must be made in writing and a “License to Use or Occupy” amendment signed by both the Licensee and a Signatory on behalf of the District.
DIVISION 8 – Liability Insurance for Facility User Groups

The District of Peachland required insurance (Minimum $2 Million liability) including the District listed as “additional insured” for rental of all municipal buildings.

A blanket Master Liability Insurance Policy is available for purchase through the District of Peachland to insure a licensee who does not have access to liability insurance from other sources. When a licensee applies for a permit, they will be advised that liability insurance is required, and if they do not have an existing insurance policy, the licensee will be billed an additional fee to cover the premium.

The policy is in the name of the District of Peachland “User Groups”. The limit of liability is $2,000,000 with a deductible of $500.00 each claim. The named insured would include the “Licensee”, event organizers, employees and volunteers or individuals, with the District of Peachland added as an additional insured.

DIVISION 9 – Damage Deposits

The Applicant shall, prior to the use and occupation of the said premises, pay at the request of the District, a damage deposit. The amount of the damage deposit is $500 minimum or 50% of the value of the facility rentals for all rentals where the rental fees collected exceeds $100.

A damage deposit is due one week prior to the rental. Damage deposits must be paid by cash, debit or credit card one week prior to the rental. Damage deposits paid by cheque are required 10 days prior to the rental.

Deductions for damage, missing equipment or improper cleaning will be applied against the damage deposit. Should such damage deposit be insufficient, the Applicant will reimburse the District immediately upon written notice from the District. Although the District may keep the deposit, the District is still entitled to pursue other legal remedies against the Licensee.

Should such damage deposit, or any balance thereof not be used, it shall be refunded to the Applicant after the elapse of 48 working hours from the rental date.

DIVISION 10 – Assignment of Rental Fees

1. Commercial groups pay standard rates;
2. Private groups pay 1/3 off standard Peachland registered charities & societies pay 2/3 off standard rates (proof of registration number and/or CRA number required, list of officers/board, mandate, available financial statements);
3. In recognition of the fact that Peachland youth participate in West Kelowna minor sports, arts and cultural organizations, youth non-profit groups from West Kelowna wanting to rent fields or facilities in Peachland will be granted the Non-Profit Organization rental rates where there is proof that a Peachland resident is a member and/or participant of said organization. This clause is in effect where space is available and affects pricing only – not allocation priorities.

In determining the appropriate category for fee and priority, it is based upon the group using or performing in the facility and not the user group requesting use or the audience in attendance. In the event of partnership between a non-profit and commercial group, the rate will apply where the majority of the funds are directed. For example, if 51% of the gross profit is being directed to the commercial organization, then the appropriate commercial rate will apply.
DIVISION 11 – Gratis Use or Fee Waiver

1. For a recognized Peachland youth group, being a registered society or charity, or sub-set of same, or part of a recognized youth structure, consisting of members 18 years and under, with regularly scheduled meetings (maximum 2 days per week) or events, subject to approval of an annual schedule of events by the Director of Community Services, the rental fee for a municipal facility will be waived.

2. The following church organizations are offered 50 percent off rental fees for the use of the recreation facilities on a one (1) time per calendar year for a special occasion (i.e. Christmas Bazaar):

   - Anglican Church
   - United Church
   - Baptist Church
   - Emmanuel Assembly Church

3. The following events will be provided one (1) no charge facility rental per calendar year:

   - All Candidates’ Forum
   - Remembrance Day Ceremony
   - Fall Fair
   - World of Wheels (multiple sites)

4. Any non-profit organization hosting a single use planning meeting, Annual General Meeting or other healthy community meeting will be granted one (1) no charge room booking per calendar year;

5. The Peachland Lions Club will receive use of the Community Centre for its regular meetings at no charge, in recognition of its fundraising efforts towards the construction of the Community Centre; use is to be booked through the Recreation Department and will be arranged around Recreation Programs;

6. The Peachland Rotary Club will receive use of the Heritage Park and Rotary Pavilion for its Summer Music in the park series at no charge in recognition of its fundraising efforts towards the construction of the Rotary Pavilion; use is to be booked through the Recreation Department and will be arranged around previously scheduled programs and events;

7. The BC Cancer Agency will receive up to two (2) days twice a year for the mobile screening mammography program;

8. The Peachland Players will receive gratis use of 4th Street Place where at least one third of the total cast and crew are youth in various productions;

9. Council reserves the right to offer the facility free as per the Civic Grants Policy (FIN-025);

10. Council is made aware of the actual percentage of subsidy or gratis use; and the privilege of reduced or gratis rental is non-transferable.

DIVISION 12 – Facility Allocation

1. Use of Parks, Recreation and Culture parks and facilities are allocated on a first come first serve basis with priority given to historical usage. Where there is conflicting requests for the use of facilities, the consideration is given to the following allocation priorities:

   - District or other government sponsored activities
   - non-profit/charitable youth
   - non-profit/charitable adult
   - Residents
   - Non Residents/Commercial

2. Some determination of the appropriateness of the use of space is required to ensure that limited resources are put to highest and best use.
The Corporation of the District of Peachland

3. Requests to pre-empt an allocated user would be assessed and a decision made to the relative merit of the allocated use versus the requested use.

4. Subsequently, requests to use unfilled capacity would be processed on a first come first serve basis.

5. The District reserves the right to protect marquee events by limiting the ability of an event of a similar nature to rent District facilities if, in the District’s opinion, the new request would endanger the viability of the existing marquee event.

6. Notwithstanding the foregoing, the District reserves the right to negotiate with organizers of major events and to make final decisions outside of this procedure.

DIVISION 13 – Booking Cancellations

1. **Cancellation of Bookings by the Licensee** - All cancellation requests must be made with the District and will result in the following refunds:

<table>
<thead>
<tr>
<th>Cancellation Time Before Event</th>
<th>Cancellation Refund</th>
</tr>
</thead>
<tbody>
<tr>
<td>31-90 Days</td>
<td>90%</td>
</tr>
<tr>
<td>15-30 Days</td>
<td>75%</td>
</tr>
<tr>
<td>8-14 Days</td>
<td>50%</td>
</tr>
<tr>
<td>6-7 Days</td>
<td>25%</td>
</tr>
<tr>
<td>0-5 Days</td>
<td>0%</td>
</tr>
</tbody>
</table>

2. **Cancellation of bookings by the District** – The District may at its discretion cancel a booking due to the facility being required for District business, emergency, safety or maintenance concerns. Cancellations by the District will cancel the contract and the District will fully refund fees or reschedule for another suitable time. The District will endeavor to provide 7 days notice except where an emergency, safety or maintenance concern dictates otherwise.

3. **Cancellation by District for Agreement holders Breach** - Without limiting other remedies available to the District, The District may cancel the User Agreement, prevent the Licensee from holding the event, or remove the Licensee from the facility during the event, and in each of these cases keep the damage deposit if the Licensee breaches any term or condition of the User Agreement.

*The District retains the right to reschedule any or all unused recreational facilities arising from a cancellation.*

DIVISION 14 – Appeals Mechanism

In the event an applicant disagrees with the decision of staff with regard to booking priority or booking fees, Policy PRO-030 (CUSTOMER SERVICE POLICY PROCEDURE AND APPEAL) will apply.

DIVISION 15 – Alcohol Policy

If alcohol is to be consumed in the facilities, a Provincial BC Liquor License must be obtained. This license must be posted in the facility at the time of the event. The organizers of the events at facilities, at which alcohol is served, have in place a 'Designated Driver Program.'

Possession or consumption by a Licensee or any of its members or spectators in a recreation facility without a special occasions license may result in the immediate suspension of the User Agreement or those participant(s), member(s)/team(s) (where appropriate) for the rest of the season.
DIVISION 16 – Food, Beverage and Retail

In accordance with the Food Premises Regulations (BC Health Act), every operator of a facility involved in preparation of food for consumption must possess a “Food Safe” certificate and must comply with applicable laws, regulations and statutes.

DIVISION 17 – Service Fees

When the District of Peachland is able to provide service for registration or management of community rental assets, a letter of understanding detailing the conditions of the agreement must be signed by the Director of Community Services and the participating agency/organization. Service fees will be applied in accordance with the Fees and Charges Bylaw.

DIVISION 18 – Electronic Sign

The electronic sign located at Beach and 6th Street is to be used for the purpose of announcing events and information that is of interest to the residents of Peachland. Information posted on the electronic sign must meet one of the following criteria:

- District sponsored event or news announcement;
- Peachland non-profit event or news announcement; or
- Commercial or non-profit event held at a municipal building/property (with a license to use or occupy agreement) that is in the interest of the residents of Peachland (i.e. trade show, concert, etc.)

The District reserves the right to post any additional events or information to the electronic sign that is considered to be in the community interest.

The District will not post announcements that:

- Are commercial in nature and, in the District’s sole opinion, are attempting to advertise, promote or sell products or services of an individual or an individual business (excluding commercial events that meet the approved criteria);
- Promote, exhibit, illustrate or manifest hate or obscene/pornographic/sexual content of any kind;
- Do not comply with municipal, provincial or federal legislation; or
- Promote an individual religion or religious service.

Notwithstanding the criteria listed above, the District reserves the right to post, refuse to post, or remove, any event from the electronic sign at any time without notice.

DIVISION 19 – Event Staging/Planning

Whereas event organizers or promoters want to stage an event in advance of the rental date to determine best use of space, the following conditions apply:

- Comply with Division 7 of the FIN-035 “Rental of Recreation Facilities”;
- Pay the “Open Gym Time and Unscheduled Access” rate as defined in the Parks and Recreation Fees and Charges Bylaw;
- Event staging is on a first come first serve basis; requested no more than one week in advance of the Event Staging date;
- Must be scheduled during regular operating hours as space allows; and
- Is at the discretion of the Recreation Department.
DIVISION 20 – Recreation Programs – Aquatic Events

When the District of Peachland coordinates a swimming race/event outside of the scope of the seasonal operation of Swim Bay, the District will ensure that there is an emergency response plan in place including:

- Collection of waivers and medical information
- Numbering of participants
- Trained observers (i.e.: Lifeguards/lifesavers or emergency response personnel)
- Communication plan between observers and race coordinator
- Access to 911 and an identified extraction point
WHEREAS it is deemed desirable and expedient to require that owners or occupiers of real property provide adequate health, sanitation, vehicle control, dog control and security for persons attending special events within the Corporation of the District of Peachland;

NOW, THEREFORE, the Municipal Council of the Corporation of the District of Peachland, in Open Meeting assembled, ENACTS AS FOLLOWS

1. In this Bylaw, unless the context otherwise requires, the following words shall have the following meanings:
   
   (a) "Corporation" shall mean the Corporation of the District of Peachland or the area within the Municipal Boundaries thereof as the context may require;
   
   (b) "Council" shall mean the Municipal Council of the Corporation of the District of Peachland;
   
   (c) "Occupier" and "Owner" shall have the meanings respectively set forth in Section 1 of the Municipal Act;
   
   (d) "Permit" shall mean written authorization of Council to hold such Special Events in accordance with the regulations contained therein;
   
   (e) "Person" shall mean an individual but shall be construed as meaning the plural, masculine, feminine, body politic or corporate where the context hereof so requires;
   
   (f) "Special Event" shall mean any public show, exhibition, carnival, or commercial performance, attended by more than 200 people in any one calendar day or 24 hour period, or any public show, exhibition, carnival, or commercial performance which might reasonably be expected to be attended by more than 200 people in any one calendar day or 24 hour period, held elsewhere than in a licensed theatre or other licensed place.

2. No Special Event shall be held within the Corporation unless a Permit for that Special Event shall first have been issued to the owner or occupier of the real property on which the Special Event is to be held, or to the person promoting the Special Event.

SPECIAL EVENTS BYLAW #939, 1985
3. No Special Event shall be publicized in any manner before a Permit for it has been issued by the Municipal Clerk or Council.

4. (a) Subject to the conditions herein, application for a Permit to hold a Special Event shall be made in writing to the Council of the Corporation of the District of Peachland not less than thirty (30) days prior to the date or dates on which it is proposed to hold such Special Event.

(b) Notwithstanding Clause 4(a) hereof, the Municipal Clerk for the Corporation is hereby authorized to issue on behalf of the said Corporation, a Special Event Permit whenever said Special Event is held in or on a Corporation facility.

5. Application for a Permit be made on the specified form (Schedule "A") attached and forming part of this Bylaw, and shall be accompanied by the following:

(a) Written approval of the Medical Health Officer of the South Okanagan Union Board of Health certifying that adequate arrangements have been made for:

(i) emergency medical facilities
(ii) toilet facilities
(iii) garbage collection and removal
(iv) domestic water supply
(v) food and drink storage, dispensing and use
(vi) public health facilities (if deemed necessary by the Medical Health Officer)

(b) Written approval of the Officer-in-Charge, Kelowna Detachment, Royal Canadian Mounted Police, certifying that adequate arrangements have been made for:

(i) internal security at the site of the Special Event
(ii) the parking of vehicles, including recreational vehicles
(iii) traffic control
(iv) location of a police command station at or near the site of the Special Event (if deemed necessary by the Chief of Police)
(v) the prevention of excessive or disturbing noises, nuisance
(vi) crown control

(c) Written evidence from the owner or occupier or person promoting the vent that adequate arrangements have been made for dog control.
(d) Written approval of the Fire Chief of the Corporation certifying that adequate arrangements for fire protection have been made to protect persons and property from possible injury by fire.

(e) Written agreement from the owner or occupier or person promoting the Special Event to post security in the amount of Five Hundred Dollars ($500.00) minimum to a maximum, as may be required by the Municipal Clerk or Council, in the event a Permit is granted, for the reimbursement of any costs which may be incurred by the Corporation because of and as a consequence of the Special Event.

(f) Written agreement from the owner or occupier or person promoting the Special Event, (Schedule "B") attached and forming part of this Bylaw, to save harmless the Corporation from any and all acts arising as a consequence of the Special Event.

6. No Permit to hold a Special Event shall be granted until and unless the conditions herein have been met, and a fee of Ten Dollars ($10.00) for each calendar day on which the Special Event is to take place, has been paid to the Corporation.

7. The Municipality has the right to revoke and cancel a Permit or Permits upon violation of any of the conditions.

8. The Permit shall specify hours during which an outdoor public address system or apparatus for the production or amplification of sound may be used.

9. This Bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

10. Any person who violates any of the provisions of this Bylaw is guilty of an offence punishable under the provisions of the Summary Convictions Act.

11. This Bylaw shall be cited for all purposes as "The Corporation of the District of Peachland Special Events Bylaw Number 939, 1985".

12. Bylaw No. 495 of 1971 is hereby repealed.
AGENDA ITEM # 11.A.

READ A FIRST TIME This 2nd Day of July, 1985

READ A SECOND TIME This 6th Day of August, 1985

READ A THIRD TIME This 6th Day of August, 1985

FINALLY RECONSIDERED AND ADOPTED This 20th Day of August, 1985

"G.E. WALDO"                  "H.O. LEVER"
Mayor                        Municipal Clerk

I hereby certify the above to be a true copy of Bylaw No. 939, passed by the Municipal Council of The Corporation of the District of Peachland this 20th Day of August, 1985.

"H.O. LEVER"
Municipal Clerk

Dated at Peachland, B.C.
This 21st Day of August, 1985.
APPLICATION FOR A PERMIT TO HOLD A SPECIAL EVENT

SPECIAL EVENT ______________________________________________________

DATE(s) OF EVENT __________________________________________________

LOCATION (STREET ADDRESS) __________________________________________

LEGAL DESCRIPTION __________________________________________________

NATURE OF EVENT (ie. Full particulars as to duration, hours of operation, number of persons expected to attend over each 24 hour period)
_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

APPLICANT’S NAME ______________________________________________________

APPLICANT’S ADDRESS __________________________________________________

APPLICANT’S OCCUPATION ______________________________________________

APPLICANT’S SIGNATURE ________________________________________________

DATE OF APPLICATION __________________________________________________

NOTE: HOURS DURING WHICH AN OUTDOOR PUBLIC ADDRESS SYSTEM OR APPARATUS FOR THE PRODUCTION OR AMPLIFICATION OF SOUND MAY BE USED WILL BE SUBJECT TO THE NATURE OF THE EVENT.

FOR OFFICE USE ONLY

APPROVAL GRANTED
Yes  No  __________________________ Date Approval Granted

SUBJECT TO THE FOLLOWING CONDITIONS
_______________________________________________________________________
_______________________________________________________________________
_______________________________________________________________________

Permit Fee Received
($10.00 Per Calendar Day) __________________________ Date Received

____________________________________________________ Municipal Clerk
SAVE HARMLESS AGREEMENT
(To be signed by Sponsors/Promoters of Special Events
Pursuant to Special Events Bylaw #939, 1985)

I/WE ________________________________

hereby agree to post security as required by the Municipal Council of the Corporation of the
District of Peachland; to save harmless the Corporation of the District of Peachland from
any and all acts arising as a consequence of the Special Event, being:

_______________________________________________________________________
(Name and Address of Event)

held on ________________________, 19____, pursuant to Section 5(f) of the District of
Peachland Special Events Bylaw No. 939, 1985, and provide the Corporation of the District
of Peachland with a CERTIFICATE OF INSURANCE FOR PUBLIC LIABILITY in the
amount of One Million Dollars ($1,000,000.00) showing the Corporation of the District of
Peachland as a named insured on the policy.

____________________________________
Signing Officer or Promoter of Special Event

____________________________________
Position (Please Print)

____________________________________
Date
AGENDA ITEM # 14.1A.

Licence Inspectors’ and Bylaw Officers’ Association of British Columbia

RE: On the Verge of Victory in Precedent-Setting Local Government Dangerous Dog Appeal

The License Inspectors’ and Bylaw Officers’ Association of British Columbia (“LIBOA”) was urgently compelled to make an Intervenor application in *Santics v. Cristofoli (Animal Control Officer) and the City of Vancouver* (“*Santics*”).

The issue involves jurisdiction of the Courts in section 49 dangerous dog cases. Court decisions have expanded judicial discretion which has resulted in increased costs to local governments in dangerous dog enforcement since the 2008 decision in *CRD v. Kuo*. At 2016 UBCM, you unanimously passed a resolution condemning the case law interpretation in *Kuo* and supported an amendment to section 49 of the *Community Charter* (see attached resolution from the 2016 UBCM Conference).

Financial Hardship to Local Governments

Examples of how costly these public safety cases are to local governments since *Kuo*, are outlined below:

**SECTION 49 APPLICATIONS – COSTS TO LOCAL GOVERNMENTS**

<table>
<thead>
<tr>
<th>CASE</th>
<th>YEAR</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRD v. Orr</td>
<td>2003</td>
<td>$5,981.15</td>
</tr>
<tr>
<td>CRD v. Ney</td>
<td>2004 – 2006</td>
<td>$11,043.03</td>
</tr>
<tr>
<td>CRD v. Koehler</td>
<td>2004 – 2005</td>
<td>$5,430.16</td>
</tr>
<tr>
<td><strong>CRD v. Kuo (BCSC) 2008</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RDCO v. Smith</td>
<td>2012 – 2014</td>
<td>$45,482.04</td>
</tr>
<tr>
<td>RDCO v. Panton</td>
<td>2015</td>
<td>$67,611.63</td>
</tr>
<tr>
<td>City of Revelstoke v. Staune and Daley</td>
<td>2017</td>
<td>$35,605.82</td>
</tr>
</tbody>
</table>

*These are total legal costs from participating local governments who have agreed to disclose their costs in legal services, expert reports and miscellaneous disbursements for this appeal.

As you can see, the cost to local governments in British Columbia for protecting the public from dangerous dogs in s. 49 applications has risen from approximately $5,000 - $10,000 per case to between $25,000 - $67,000! If you protect the public from dangerous dog attacks, you either have to use section 49 or do nothing and risk liability exposure, or worse, receive public condemnation from the latest victim of a dangerous dog attack.

The Legal Battle

LIBOA has retained experienced appellate counsel in Dominion GovLaw LLP (“GovLaw”) to represent local governments. GovLaw has litigated precedent setting dangerous dog cases and its principal, Troy DeSouza, was successful in the hotly contested intervenor application on April 12, 2019.

To: District of Peachland
Cindy Fortin & Elsie Lemke
5086 Beach Avenue
Peachland BC V0H 1X7
On May 22nd, LIBOA participated in the BC Court of Appeal on behalf of all local governments and their animal control officers in BC. The case went well. Mr. DeSouza advises that 13 years after the poorly reasoned decision in Kuo, the B.C. Court of Appeal is engaged on the issue of jurisdiction. That is, if a Provincial Court Judge does not have the jurisdiction to make a conditional order, it will be a substantive victory for all local governments and their bottom line in animal control.

How Your Local Government Can Help

We need your help!

The outcome of this appeal will have a substantial impact to your bottom line. What is at stake is tens of thousands of dollars for each costly dangerous dog application and, the effectiveness of local governments to make and enforce their own bylaws on dangerous or aggressive dogs!

LIBOA moved quickly to protect your interests. However, our capacity to fund this appeal is extremely limited. We have used our name and organization to engage local governments interests but need your financial support. The estimated legal costs to LIBOA for this appeal are approximately $35,000.

Accordingly, if you could make a contribution of $500 to our non-profit society to be used for this appeal, that would be much appreciated.

Please kindly make the cheque payable to the Licence Inspectors’ and Bylaw Officers’ Association of British Columbia, and direct any mail to the following address:

Inder Litt, LIBOA President
City of Abbotsford
32315 South Fraser Way
Abbotsford BC V2T 1W7

Conclusion

Be part of the forward-thinking group of local governments who have banded together to chip in a little so that all of us can save a lot.

We cannot imagine a better investment on your behalf that directly impacts your bottom line.

Thank you very much for your consideration!

Sincerely,

[Inder Litt]
Inder Litt
LIBOA President

P.S. If you require further information regarding this appeal, please contact Troy DeSouza at troy.desouza@govlaw.ca or (250) 590-1840.
AGENDA ITEM # 14.1A.

UBCM Resolution at 2016 Conference

B88 DANGEROUS DOGS:

WHEREAS local governments protect the public from dangerous dogs and incur significant costs and uncertainty in court due to narrowly drafted provisions under s. 49 of the Community Charter;

AND WHEREAS case law interpretation from judges has expanded judicial discretion and oversight beyond the court’s statutory jurisdiction and at the full expense, continuing cost and liability to local government;

AND WHEREAS such interpretation of s. 49 undermines public safety to persons, dog owners and their victim dogs or domestic animals and adds increased and unnecessary costs and liability to local government:

THEREFORE BE IT RESOLVED that UBCM support adoption of the Hugo’s and Charley’s Law amendments to s. 49 of the Community Charter, to protect the public and their dogs from dangerous dogs.