



Agenda

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

Monday, May 2, 2016
following the Public Hearing at 6:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
 - 4.1 Minutes of the April 18, 2016 Public Hearing 1-4 Receive
 - 4.2 Minutes of the April 18, 2016 Regular Council Meeting 5-10 Adopt
5. **Presentations:**
 - 5.1 Proclamation –Public Works Week, May 15 – 21, 2016 11
6. **Delegations and Petitions:**
 - 6.1 Canadian Mental Health Association – Dennis Tottenham, Executive Director 12-16
7. **Community Partners:**
8. **Reconsideration of Bylaws and Permits:**
 - 8.1 OCP Amendment Bylaw No. 2016-14 17-18 2nd/3rd/Adopt
Re: 784 Argyle Street
 - 8.2 Zoning Amendment Bylaw No. 2016-15 19-20 2nd/3rd
Re: 784 Argyle Street
 - 8.3 Zoning Amendment Bylaw No. 2016-20 21-22 2nd/3rd/Adopt
Re: 481 Nelson Avenue
 - 8.4 Zoning Amendment Bylaw No. 2016-21 23-24 2nd/3rd
Re: 679 Churchill Avenue
 - 8.5 Tax Rates Bylaw No. 2016-19 25-27 Adopt
 - 8.6 Blasting Control Bylaw No. 2016-16 28-45 Adopt

9. **Staff Reports:**

GMI	9.1	Fees and Charges Amendment Bylaw No. 2016-25 Re: Sewer Rate Structure Review: Andrew McLaren <i>Staff Recommendation:</i> THAT Council receive the May 2, 2016 presentation by Andrew McLaren of Intergroup Consultants Ltd. on Sanitary Sewer Rates; AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw 2016-25", a bylaw to amend Fees and Charges Bylaw 2014-07 to set new Sanitary Sewer rates and fees; AND FURTHER THAT staff use the remainder of 2016 to educate customers as to the implications on the new sanitary sewer rate structure.	48-74	
DDS	9.2	Development Variance Permit PL2016-7623 Re: 402 Eckhardt Avenue West <i>Staff Recommendation:</i> THAT Council deny the request to vary the exterior side yard setback from 3.0m to 1.3m, for the property located at 402 Eckhardt Avenue West in order for the applicant to construct a carriage house and garage structure; AND THAT Council approve "Development Variance Permit PL2016-7623", for Parcel A (being a consolidation of lots 1 and 2, see CA4990473), Block B, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan 930, located at 402 Eckhardt Avenue West, a permit to reduce the rear yard setback from 1.5m to 0.6m from the rear lot line, in order for the applicant to construct a carriage house and garage structure.	75-85	Del/Sub
DDS	9.3	Development Variance Permit PL2016-7628 Re: 124 McConnachie Place <i>Staff Recommendation:</i> THAT Council approve "Development Variance Permit PL2016-7628" for Lot 10, District Lot 188, Similkameen Division Yale District, Plan 41924, located at 124 McConnachie Place, a permit to decrease the minimum front yard setback from 6.0m to 3.2m, for the extension of a garage with second storey deck; AND THAT staff be directed to issue "Development Variance Permit PL2016-7628".	86-96	Del/Sub
DDS	9.4	Development Variance Permit PL2016-7616 Re: 508 Braid Street <i>Staff Recommendation:</i> THAT Council approve "Development Variance Permit PL2016-7616" on Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP896713, located at 508 Braid Street, a development variance permit to allow for a front yard setback reduction from 4.5m to 3.5m and a reduction from 1.5m to 1.2m for a front to back maintained access to basement suites; AND THAT staff are directed to issue the Development Variance Permit PL2016-7616.	97-109	Del/Sub
GMI	9.5	2016/2017 Custom Transit Annual Operating Agreement <i>Staff Recommendation:</i> THAT Council increase the 2016 Custom Transit Budget by \$11,800 with funds coming from existing general surplus; AND THAT Council authorize the Mayor and Corporate Officer to execute the 2016 / 2017 Annual Operating Agreement for the Custom Transit System.	110-111	
GMI	9.6	2016/2017 Conventional Transit Annual Operating Agreement <i>Staff Recommendation:</i> THAT Council increase the 2016 Conventional Transit Budget by \$12,700 with funds coming from general surplus; AND THAT Council authorize the Mayor and Corporate Officer to execute the 2016 / 2017 Annual Operating Agreement for the Conventional Transit System.	112-113	
DDS	9.7	Zoning Amendment Bylaw No. 2016-23 Re: 469 Edmonton Avenue <i>Staff Recommendation:</i> THAT "Zoning Amendment Bylaw No.2016-23", to amend Zoning Bylaw 2011-23 to rezone Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125, located at 469 Edmonton Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forward to the May 16, 2016 Public Hearing;	114-129	

THAT Council support "Development Permit PL2016-7620" for Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125, located at 469 Edmonton Avenue, a permit to approve the construction of cluster housing in the form of two front-to-back duplexes with one side facing Edmonton Avenue and the other facing the lane. AND THAT staff are directed to issue "DP PL2016-7620", subject to adoption of "Zoning Amendment Bylaw No.2016-23".

- DDS 9.8 Zoning Amendment Bylaw No. 2016-24 130-144
 Re: 223 Conklin Avenue
Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2016-24", a bylaw to amend Zoning Bylaw 2011-23 for Lot 11, District Lot 1, Group 7, Similkameen Division Yale (formerly Yale-Lytton), District Plan 2518, located at 223 Conklin Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential), be given first reading and forwarded to the May 16, 2016 Public Hearing;
 AND THAT delegations and submissions are heard for Development Variance Permit PL2016-7630, for Lot 11, District Lot 1, Group 7, Similkameen Division Yale (formerly Yale-Lytton), District Plan 2518, located at 223 Conklin Avenue, a permit to reduce the minimum lot width of an R2 lot from 13m to 9.1m to allow for a two lot subdivision, during the May16, 2016 Public Hearing;
 AND THAT Development Variance Permit PL2016-7630 be considered only after adoption of Zoning Amendment Bylaw No. 2016-24.

10. **Correspondence**

11. **Committee and Board Reports**

- 11.1 Arts, Creative & Cultural Innovations Committee Meeting Minutes of April 14, 2016 145-148
Recommendation: THAT Council receive the minutes of the Arts, Creative & Cultural Innovations Committee meeting of April 14, 2016.
Committee Recommendation: THAT Council allocates a portion of any potential surplus funds from the Downtown Revitalization project towards including public art in the 100 and 200 Block.
- 11.2 Heritage & Museum Committee Meeting Minutes of April 21, 2016 149-151
Recommendation: THAT Council receive the minutes of the Heritage & Museum Committee meeting of April 21, 2016.

12. **Notice of Motion**

13. **Other Business**

- 13.1 Notice of Motion from April 18, 2016

THAT Staff research the schedules of council meetings and public hearings held in other municipalities and report back to Council with options for beneficial changes to the 2017 Penticton City council meeting and public hearing schedule.

- 13.2 Auditors Report – 2015 Financial Statements

Recommendation: THAT Council receive the 2015 Financial Statements as presented by BDO Canada LLP at the May 2, 2016 Committee of the Whole meeting.

14. **RDOS Update**
15. **Business Arising from In-Camera**
16. **Media and Public Question Period**
17. **Adjournment**

Minutes

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Public Hearing
City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Monday, April 18, 2016
at 6:00 p.m.

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

Staff: Eric Sorensen, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Mitch Moroziuk, General Manager Infrastructure
Jules Hall, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for the "Zoning Amendment Bylaw No. 2016-06". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw and related DVP an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw and related DVP PL2015-0769 an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

"Zoning Amendment Bylaw No. 2016-06" (166 & 172 Cambie Place)

The purpose of "Zoning Amendment Bylaw No. 2016-06" is to amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 3 and 4, Block 5, District Lot 202, Similkameen Division (Formerly Osoyoos) Division Yale District Plan 479 located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing).

The Corporate Officer advised that 18 letter of opposition has been received after the printing of the agenda and distributed to Council.

DELEGATIONS

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Bruce Schoenne, Lakeshore Drive, owner of the property at Cambie Place, provided Council with an overview of his proposal.
- Bill Therriault, Cambie Meadows, on behalf of Strata Council, provided Council with a presentation, concerned with lack of communication with neighbourhood and the inconsistency with neighbourhood character, congestion, parking, safety, no room for a sidewalk and concerns with geological stability. Would like the proposal to be consistent with the spirit of the OCP and bylaws.
- Lynda West, Cambie Place, owner and Strata Council president, concerned with lack of consultation by developer, congestion, increase traffic volume, elimination of right of way for pedestrians, will turn quiet dead end street into something unsafe and less than ideal, will in no way enhance the neighbourhood, will change the character.
- Ron Johnson, Cambie Place, provided a presentation to Council, concerned with the walls and view from their home. Will have an effect of property value and the character of the neighbourhood, value of neighbourhood will be reduced, not appropriate for this location, landscaping is minimal, no parking for guests or service vehicles.
- Mike Hearle, Cambie Place, concerned with geological stability, had problems in Cambie Meadows with soil instability, expect problems where development is going, don't know if full disclosure was made to the developer, people will lose sunlight, views, enjoyment of neighbourhood, eventual buyers need to know about soil.
- Martin Vande Guchte, Cambie Place, at no time did the developer approach any of us at Cambie Meadows, if discussed plans we would have avoided much of the misconceptions that have developed, character of neighbourhood is key point.
- Lillian Therriault, Cambie Place, concerned about rezoning, the issue is where developer wants to build, will have a negative impact on neighbouring properties, no voice of the neighbours, design will not enhance the aesthetic value of the neighbourhood, would like a sidewalk area so don't have to walk on roadway.
- Denise Kurtz, Cambie Place, spoke against rezoning, would prefer a single family home as the current zoning bylaw and OCP allows.
- David de Gruchy, Cambie Place, disappointed to see zoning amendment to accommodate duplexes, if application is approve it will set precedent for other developers to build duplexes in area.
- Marge Noble, Cambie Place, oppose rezoning, proposed development is too big for the lot, density issue, no sidewalks, will increase traffic and parking on street, KVR trail crosses over, road safety will be impacted.
- Steven Bercek, Cambie Place, submitted large submission with 20 appendices, no duplexes in the area, making precedent decision, will change the character of neighbourhood irreversible, invested all money in neighbourhood, want certainty, believe our investment is safe, don't destroy that. For development, we are not in downtown, Uplands unique area, will totally change the character, beginning of the end for Uplands area.
- Wayne Klassen, Cambie Place, support strata presentation, happy rat resort will be destroyed, street is dead end with no turn around unless you trespass on private property, service trucks have to back up, road is shared with pedestrians, add parking and you are down to one lane, encourage Council to say no.
- Sid Skull, Cambie Meadows, oppose the project, changes in community, nice duplex

high end and expensive, how many families will move in there? Concerned it will turn into vacation rental units, agree with traffic concerns near KVR, careful around crossing, will there be tax breaks?

- Annette Reoux, Cambie Place, developer has beautiful design, opposed project due to density and safety issues, community of neighbours concerned about emotional and financial investment.
- Diana Johnson, Cambie Place, oppose proposal, happy the place sold, want something that will enhance our community, this huge building on a tiny lot is not appropriate, doesn't fit in size or character.
- Bob and Joan Mills, Cambie Place, moved to Penticton from Regina in 2015, did our homework before buying, concerned with increased density to our neighbourhood, honour intention of established zoning and not allow zoning amendment requested.
- Pat Skull, Cambie Place, Uplands is a distinct area, cliffs between us and downtown, distinct character, don't have sidewalks or density, don't have urban feel, single family neighbourhood. Closest duplex is at bottom of hill. Variance is stretching out the house, misleading to say that it is just being moved back.
- Doug Berkum, resident of Penticton, opposed to bylaw change, putting cart before the horse.
- Terry and Peter Silverthorne, Cambie Place, November we closed on our property, will now be a wall in front of our face, main concern is the view, no other duplexes in area, no area to park, underground spring and water issues, not bothered if single family home was built on either of these properties, duplexes too much, traffic to dead end street, out of character for the area.
- Nancy Noble Pearl, Andrew Place, believe opens door for all areas of Uplands, changes the characteristics of neighbourhood, please oppose this development.
- Loraine Stephanson, Farrell Street, like other projects by the developer, not this on Cambie Place, city needs a design panel, this is precedent, these duplexes fit in downtown core, offensive to have no community discussion, no huge demand for this in our neighbourhood.
- Resident of 109 Uplands, why change things are in this area, how many of you live in a duplex, setting precedent, developer going to make a lot of money.
- Ali Gahaed, Cambie Street, retired senior, 44 year resident, 37 years in Uplands, concerned with proposed change, set precedent for other large lots.
- Dennis O'Gorman, Farrell Street, inconsistent and random use of applicable principles is issue, without neighbourhood plan, notion of uncertainty, what is next.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- Steve Bercek, Uplands should be mentioned in OCP, think about character of neighbourhood, believe in zoning and density and lifestyle. You are changing lifestyle of residents. One off project without mandate from citizens of Uplands is irresponsible.
- Lynn Kelsey, Oakville Street, have not heard one person in support of this development, take time to consider and bring back to a future Council meeting.
- Bill Therriault, proposal and process, proposal is not suitable for where it is being proposed, process like predictability, one off development concerns me, better way of doing business, urge Council to reject proposal and keep within existing parameters so we as citizens know what to expect.
- Mrs Therriault, asked the developer why here, one entrance going in, our units keep in character of other homes in the areas, single entrance to Cambie Meadows, why were these lots advertised by realtor as two single family homes on these small lots.
- Denise Kurtz, single homes will allow for more green space, would support single family homes with secondary suites.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Steve Bercek, Cambie neighbourhood, nice development, not against development, would love to see something built there with current laws with secondary suites, keep zoning, want certainty to enjoy neighbourhood the way it is.
- Bruce Schoenne, displayed map of consultation, two not opposed but not coming forward for obvious reasons. Hired an engineer, \$100,000 to clean site up, no tax relief for owners, no secondary suites on this development.
- Loraine Stephanson, Farrell Street, clarified comment regarding the demand.

The public hearing for "Zoning Amendment Bylaw No. 2016-06" was terminated at 8:18 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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

Monday, April 18, 2016
Following the Public Hearing at 6:00 p.m.

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

Staff: Eric Sorensen, Chief Administrative Officer
Mitch Moroziuk, General Manager Infrastructure
Dana Schmidt, Corporate Officer
Colin Fisher, Chief Financial Officer
Jules Hall, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 8:19 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

166/2016

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on April 18, 2016 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes

4.1 Minutes of the April 4, 2016 Public Hearing

167/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the April 4, 2016 Public Hearing as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the April 4, 2016 Regular Council meeting

168/2016

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 4, 2016 Regular Council meeting as presented.

CARRIED UNANIMOUSLY

5. Presentations

5.1 Southern Interior Local Government Association (SILGA) Presentation

Councillor Konanz, on behalf of Southern Interior Local Government Association, provided Council with an overview of SILGA's mission, purpose, goals and future issues. The SILGA convention is April 19, 2016 in Kelowna.

6. Delegations

6.1 Okanagan Upcycling Resource Society Re: New Location for Upcycling Centre

Deb Thorneycroft, Board Member and Austin Hawkins, Member, provided Council with an update and request for assistance to find a new location for the Upcycling Centre.

7. Reconsideration of Bylaws and Permits

7.1 Zoning Amendment Bylaw No. 2016-06 Re: 166 & 172 Cambie Place

169/2016

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2016-06";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2016-06".

DEFEATED

Mayor Jakubeit, Councillors Sentes, Picton, Watt, Sayeed, Opposed

170/2016

It was MOVED and SECONDED

THAT Council close and abandon "Zoning Amendment Bylaw No. 2016-06".

CARRIED

Councillors Martin and Konanz, Opposed

The meeting recessed at 8:55 p.m. and resumed at 9:02 p.m.

7.2 2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-17

171/2016

It was MOVED and SECONDED

THAT Council adopt "2016-2020 Five Year Financial Plan Amendment Bylaw No. 2016-17".

CARRIED UNANIMOUSLY

7.3 Zoning Amendment Bylaw No. 2016-18 Re: 2959 Skaha Lake Road

172/2016

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2016-18".

CARRIED UNANIMOUSLY

8. Staff Reports

- 8.1 DP PL2016-7627 and DVP PL2016-7626
Re: 1115 Holden Road: Sendero Gate Townhouses

Delegations/Submissions: nil

173/2016

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit DVP2016-7626", a permit to increase the maximum permitted principal building height to 10.5m to accommodate the proposed three storey townhouse building heights on Proposed Lot S of the subdivision of "Lot 131 District Lot 2710, Similkameen Division Yale District, Plan KAP92932" as identified on Attachment 'B' (Approved Subdivision Layout) and located on what will become 1115 Holden Road; AND THAT staff are directed to issue the permit;

AND THAT Council approve "Development Permit DP2016-7627", a permit allowing for the development of a 44 unit townhouse development on Proposed Lot S of the subdivision of "Lot 131 District Lot 2710, Similkameen Division Yale District, Plan KAP92932" as identified on Attachment 'B' (Approved Subdivision Layout), located at what will become 1115 Holden Road; AND THAT staff are directed to issue the permit.

CARRIED UNANIMOUSLY

- 8.2 Water Conservation Plan

Ian Chapman, City Engineer and Steve Brubacher, Urban Systems, provided Council with an overview of the draft Water Conservation Plan.

174/2016

It was MOVED and SECONDED

THAT Council receives the Draft Water Conservation Plan for the City's irrigation systems as prepared by Urban Systems (April, 2016);

AND THAT staff commences a consultative process with the Community Sustainability Committee, Agricultural Committee and the Agriculture land owners and operators;
AND THAT following consultation the results along with any report revisions be brought back for Council to consider.

CARRIED UNANIMOUSLY

- 8.3 Tax Rates Bylaw No. 2016-19

175/2016

It was MOVED and SECONDED

THAT Council read for the first, second and third time the Tax Rates Bylaw No.2016-19 establishing property taxation rates for the 2016 tax year for the City of Penticton.

CARRIED UNANIMOUSLY

- 8.4 Zoning Amendment Bylaw No. 2016-20
Re: 481 Nelson Avenue

176/2016

It was MOVED and SECONDED

WHEREAS Council considers the subject parcel can accommodate the intended use of duplex housing;

THEREFORE Council directs that Zoning Amendment Bylaw No. 2016-20, a bylaw to amend Zoning Bylaw 2011-23 for Lot 76, District Lot 250, Similkameen Division Yale District, Plan

845, located at 481 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the May 2, 2016 Public Hearing.

CARRIED UNANIMOUSLY

- 8.5 OCP Amendment Bylaw No. 2016-14 & Zoning Amendment Bylaw No. 2016-15
Re: 784 Argyle Street

177/2016

It was MOVED and SECONDED

THAT prior to consideration of the bylaw and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2016-14", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot F, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 584, located at 784 Argyle Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); and to be included in Development Permit Area Schedule 'H' of the Official Community Plan Bylaw 2002-20 be introduced, given first reading and be forwarded to the May 2, 2016 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2016-15", a bylaw to amend Zoning Bylaw 2011-23 on Lot F, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 584, located at 784 Argyle Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2016 Public Hearing;

AND THAT prior to adoption of the bylaw, a road dedication of 1.1 m along the Argyle Street frontage be registered with the land title office.

CARRIED
Councillor Watt, Opposed

- 8.6 Zoning Amendment Bylaw No. 2016-21
Re: 679 Churchill Avenue

178/2016

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2016-21", a bylaw to amend Zoning Bylaw 2011-23 for Lot 23, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 679 Churchill Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the May 2nd, 2016 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2016-21", a 1.9 m road widening is registered with the Land Title Office;

AND THAT delegations and submissions are heard for Development Variance Permit PL2016-7599, for Lot 23, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 679 Churchill Avenue, a permit to reduce minimum lot width

from 13m to 9.1m and lot area from 390m² to 325m² in the RD2 zone to allow for a two lot subdivision, during the May 2nd, 2016 Public Hearing;
AND THAT Development Variance Permit PL2016-7599 be considered only after adoption of Zoning Amendment Bylaw No. 2016-21;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2016-21", approves Development Permit PL2016-7601, for Lot 23, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 4075, located at 679 Churchill Avenue, a permit that allows for the construction of a front-to-back duplex on both newly formed lots.

CARRIED UNANIMOUSLY

8.7 Blasting Control Bylaw No. 2016-16 & MTI Amendment Bylaw No. 2016-22

179/2016

It was MOVED and SECONDED

THAT Council give first, second and third reading as amended to "Blasting Control Bylaw 2016-16", as contained in Attachment "A", a bylaw to regulate blasting activities in the City of Penticton;

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw 2016-22", as contained in Attachment "B", a bylaw to amend Municipal Ticketing Information Bylaw 2012-5021.

CARRIED UNANIMOUSLY

9. Correspondence

9.1 Penticton-Ikeda Sister City Society
Re: 40th Anniversary Celebration

Council agreed to attend a meeting with Penticton-Ikeda Sister City Society for more details.

9.2 Ministry of Community, Sport and Cultural Development and Minister Responsible for Translink
Re: Transportation and Accommodation Services

Council received the letter dated April 8, 2016 for information.

10. Committee and Board Reports

10.1 SOEC Select Committee meeting of April 1, 2016

180/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the SOEC Select Committee meeting of April 1, 2016.

CARRIED UNANIMOUSLY

181/2016

It was MOVED and SECONDED

THAT Council authorize Spectra, specific to corporate sales such as advertising and premium services, to sell past their contract date of June 2019; AND THAT any sales after the contract expiry date are to be pro-rated at the average fair market rates with no front loading.

CARRIED UNANIMOUSLY

10.2 Community Sustainability Committee meeting of April 6, 2016

182/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Community Sustainability Committee meeting of April 6, 2016.

CARRIED UNANIMOUSLY

10.3 Parks and Recreation Committee meeting of April 8, 2016

183/2016

It was MOVED and SECONDED

THAT Council receive the minutes of the Parks and Recreation Committee meeting of April 8, 2016.

CARRIED UNANIMOUSLY

11. Notice of Motion

From Councillor Konanz:

THAT Staff research the schedules of council meetings and public hearings held in other municipalities and report back to Council with options for beneficial changes to the 2017 Penticton City council meeting and public hearing schedule.

12. Other Business

13. RDOS Update

14. Business Arising from In-Camera

THAT Council appoint Georgia Krebs as the Shatford Centre representative for the Heritage and Museum Committee.

15. Media and Public Question Period

16. Adjournment

184/2016

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Monday, April 18, 2016 at 10:41 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Proclamation

penticton.ca

"Community Begins Here" National Public Works Week May 15-21, 2016

WHEREAS public works infrastructure, facilities and services are vital to the health, safety and well-being of the residents of the City of Penticton; and

WHEREAS such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers and administrators who are responsible for building, operating and maintaining the public works systems that serve our citizens; and

WHEREAS the Public Works Association instituted Public Works Week as a public education campaign "to inform communities and their leaders on the importance of our nation's public infrastructure and public works services"; and

WHEREAS it is in the public interest of citizens and civic leaders to gain knowledge of the public works needs and programs of their respective communities; and

WHEREAS Public Works Week also recognizes the contributions of public works professionals;

NOW THEREFORE, BE IT RESOLVED, THAT I, Mayor Jakubeit, do proclaim **May 15-21, 2016 as Public Works Week** in the City of Penticton.

A handwritten signature in black ink, appearing to read "Andrew Jakubeit".

Mayor Andrew Jakubeit



Canadian Mental Health Association South Okanagan Similkameen
Phone 250 493 8999
cmha_sos@shaw.ca
Website sos.cmha.bc.ca
Dennis Tottenham, Executive Director

CMHA Mission

The organization provides services to support the resilience and recovery of those living with a mental illness. The branch also provides health promotion and services to promote mental health.

Unity House

The Clubhouse provides social, recreational and educational programs for individuals living with a mental illness. Members volunteer to assist with the meals program that offers lunch daily and dinners twice a week. Takeout meals, beverages and snacks are sold at the concession. There is a referral form that must be completed for membership.
Debora Barg coordinator
250 493 6327 or Cmha_unity@shaw.ca

Skaha Housing

Housing Support provides tenant support to 45 residents including community kitchen, medication assistance, computer access, laundry and TV room. Thirty Units are designated for individuals living with mental illness.
David Pfliger Coordinator
778 476 5715 or E-Mail: david.cmha@shaw.ca

Advocacy

Provides assistance to individuals who feel they have been treated unfairly, or who disagree with how programs and services have been delivered. Advocates are committed to empowering clients to become more knowledgeable and assertive when dealing with their concerns.
Zulma Garcia 778 476 5411
cmha.mhadvocate@shaw.ca

Consumer Development Program

Consumer committees in Oliver and Penticton review applications from individuals who have a mental illness for funding for physical, educational, health and personal growth opportunities
Brian – Coordinator e-mail cdpcoordinator@shaw.ca
250 493 6327

Living Life to the Full

In this eight week group program participants are taught to deal with their feelings when worried, fed up and hopeless; they also learn skills to deal with anxiety and/or depression. A new youth program has been launched for youth ages 13 to 18.

Jessica Lutz Community Education coordinator

Vm.cmha@shaw.ca

236 422 2284

BounceBack

This is telephone support program provides assistance to individuals facing mild to moderate anxiety and/or depression. A coach works with participants to identify areas to work on and provides work books. A medical referral is required.

866 639 0522

Tami Muhlert Coordinator

250 275 8062

Programs and Activities

In partnership with Interior Health and BCSS, staff plan programs and activities for Skaha residents, Unity Club house members and community mental health members.

Monthly listings of items is available on the website

Dennis Tottenham

250 493 8999

Confident Parents: Thriving Kids

Telephone support is provided to parents and caregivers who have children with mild to moderate behavioral problems age 3 to 12.

Contact 1 855 871 8445

Supportive Employment

CMHA is gradually building up this program through contracts for snow shoveling, car detailing and janitorial services. Currently there are more than 15 members in the worker pool. Contact Dennis 250 493 8999

Suicide Prevention Training

Staff have been trained in the Assist and Safe Talk programs which are designed to identify individuals at risk of suicide and to assist them in developing strategies to reduce suicides. Through this program 200 individuals will be trained each year for 3 years.

Family Navigation Project

A regional resource center will be established for youth and families along with local support groups to assist with identifying resources for families who have youth facing mental health challenges

Jessica Lutz vm.cmha@shaw.ca

236 422 2284

CMHA'S 65TH ANNUAL MENTAL HEALTH WEEK

- 14 -

#GETLOUD



KEY MESSAGES

- 15 -

GET LOUD for Mental Health campaign

Building on last year's successful GET LOUD for Mental Health campaign, CMHA is asking Canadians to get loud for mental health and we're encouraging them to talk more openly and honestly about mental health.

"Getting loud" means speaking up to stop the discrimination and the stigma that often go hand in hand with mental illness. It means taking action and using your voice to raise awareness and build support. For someone at work. For someone at home. For yourself.

GET LOUD to maintain positive mental health. GET LOUD to get it back. Because the louder we all get, the bigger the difference we will make. And there's a lot of difference to be made.

This year we're also getting loud by wearing green in support of positive mental health. Why green?

- According to BC's Kelty Mental Health Resource Centre, green ribbons were used in the 1800s to label people who were considered "insane". Kelty has been using green ribbons to draw attention to the mental health issues of children and youth and now CMHA will join their campaign to give the colour green a completely new meaning.

We're going to give the colour green a whole new meaning and turn the historical negative association on its head. Help remove the stigma of mental illness: wear green loud and proud!

Our Mental Health Week interactive website will again allow Canadians to show how they're getting loud for mental health. Whether it's reaching out to and supporting a friend, speaking with someone at work about your own mental health, writing to government or by wearing green, we'll track how Canadians are helping to break down the stigma associated with mental illness.

We are paying special attention this year to the mental health of older Canadians because seniors are a vulnerable and under-treated group. Depression is the most common mental health problem for older adults and men over the age of 80 have the highest suicide rate in Canada.



Canadian Mental
Health Association
Mental health for all

Association canadienne
pour la santé mentale
La santé mentale pour tous

KEY MESSAGES

Mental Health Week

CMHA introduced Mental Health Week (MHW) in 1951 to raise awareness of mental illness in Canada. Today, MHW offers practical ways to maintain and improve mental health and support recovery from mental illness and addictions.

During Mental Health Week, CMHA encourages all Canadians to reflect on their own attitudes toward people living with mental health issues. Reducing discrimination and stigma is paramount, so that people with mental health issues can be better supported in managing or recovering from their illness.

Mental Health Week events and activities are hosted in hundreds of CMHA community locations from St. John's to Prince George. Activities such as seminars, open houses, film screenings, art shows and walks provide Canadians with information, resources and practical ways to stay mentally and physically healthy all year.

For a full listing of events visit mentalhealthweek.ca

General – Mental Health For All

Mental health is a state of well-being and is important for all Canadians. CMHA actively supports positive mental health in all aspects of daily life – at work, at school, at home and at play – both during MHW and throughout the year.

Mental health issues affect us all. Whether or not you have a mental health issue, you very likely know – and love – someone who does.



Canadian Mental
Health Association
Mental health for all

Association canadienne
pour la santé mentale
La santé mentale pour tous

Bylaw No. 2016-14

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2016-14."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

- 2.1 Change Schedule 'B' future land use designation for Lot F, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 584, located at 784 Argyle Street from LR (Low Density Residential) to MR (Medium Density Residential).
- 2.2 Change Schedule 'H' to include Lot F, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 584, located at 784 Argyle Street in the General Multiple Family Development Permit Area.
- 2.3 Schedule "A" attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2016
A PUBLIC HEARING was held this	2	day of	May, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

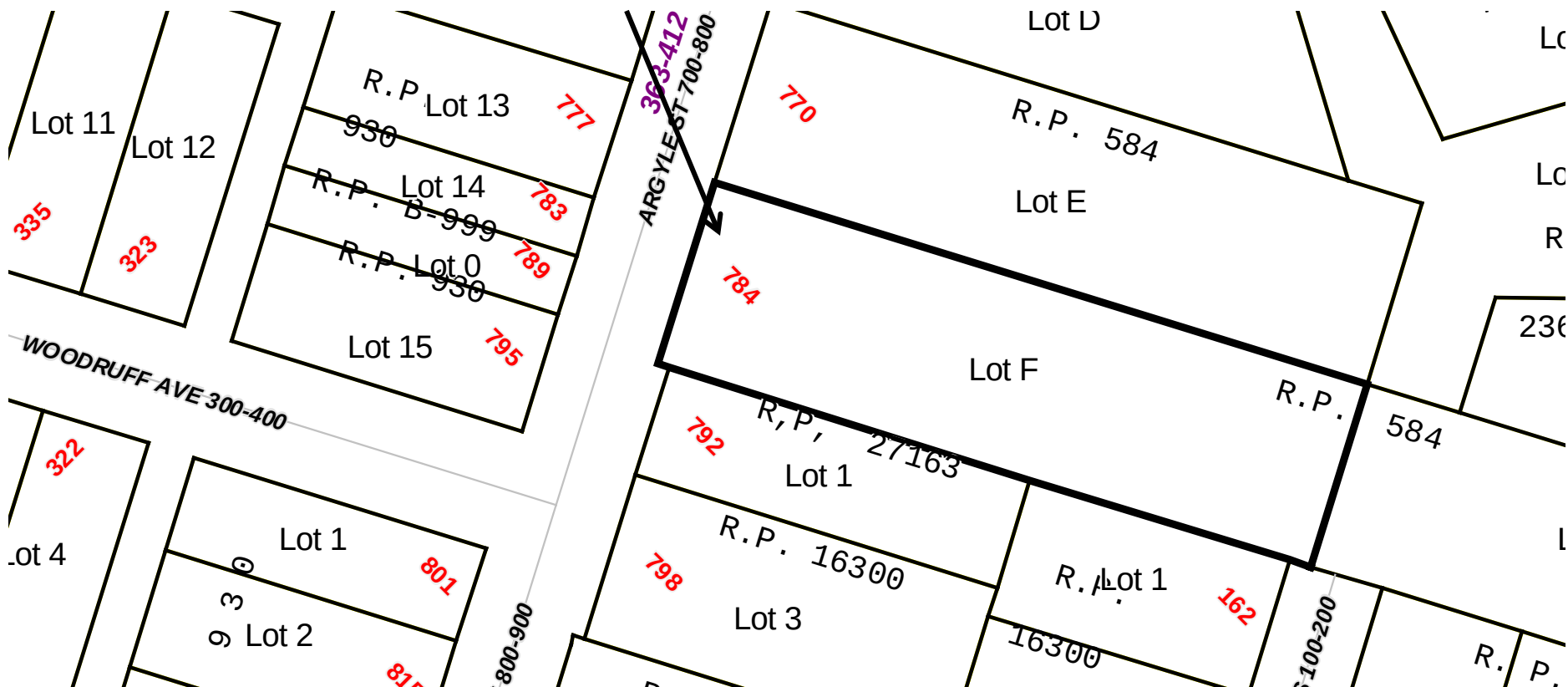
Notice of intention to proceed with this bylaw was published on the 22 of April, 2016 and the 27 of April, 2016 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- Amend Schedule "H" to include 784 Argyle Street in the General Multiple Family Development Permit Area, and
- Amend Schedule "B" to change the future land use designation of 784 Argyle Street from LR (Low Density Residential) to MR (Medium Density Residential)

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City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2016-14

Date: _____

Corporate Officer: _____

Bylaw No. 2016-15

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-15".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot F, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 584, located at 784 Argyle Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	18 day of	April, 2016
A PUBLIC HEARING was held this	2 day of	May, 2016
READ A SECOND time this	day of	, 2016
READ A THIRD time this	day of	, 2016
RECEIVED the approval of the	day of	, 2016
Ministry of Transportation on the		
ADOPTED this	day of	, 2016

Notice of intention to proceed with this bylaw was published on the 22 day of April, 2016 and the 27 day of April, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2016

for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 20 -

This is a detailed plat map of a portion of the City of Chicago, showing various lots and streets. The map includes Lot 11, Lot 12, Lot 13, Lot 14, Lot 15, Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14, Lot 15, Lot 16, Lot 17, Lot 18, Lot 19, Lot 20, Lot 21, Lot 22, Lot 23, Lot 24, Lot 25, Lot 26, Lot 27, Lot 28, Lot 29, Lot 30, Lot 31, Lot 32, Lot 33, Lot 34, Lot 35, Lot 36, Lot 37, Lot 38, Lot 39, Lot 40, Lot 41, Lot 42, Lot 43, Lot 44, Lot 45, Lot 46, Lot 47, Lot 48, Lot 49, Lot 50, Lot 51, Lot 52, Lot 53, Lot 54, Lot 55, Lot 56, Lot 57, Lot 58, Lot 59, Lot 60, Lot 61, Lot 62, Lot 63, Lot 64, Lot 65, Lot 66, Lot 67, Lot 68, Lot 69, Lot 70, Lot 71, Lot 72, Lot 73, Lot 74, Lot 75, Lot 76, Lot 77, Lot 78, Lot 79, Lot 80, Lot 81, Lot 82, Lot 83, Lot 84, Lot 85, Lot 86, Lot 87, Lot 88, Lot 89, Lot 90, Lot 91, Lot 92, Lot 93, Lot 94, Lot 95, Lot 96, Lot 97, Lot 98, Lot 99, Lot 100. The map also shows streets such as WOODRUFF AVE 300-400, ARGYLE ST 700-800, and various other streets. The map is a black and white line drawing with red numbers indicating lot numbers and street names.

Zoning Amendment Bylaw No. 2016-15

Date: _____

Corporate Officer: _____

Bylaw No. 2016-20

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-20".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 76, District Lot 250, Similkameen Division Yale District, Plan 845, located at 481 Nelson Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2016
A PUBLIC HEARING was held this	2	day of	May, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 22 day of April, 2016 and the 27 day of April, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

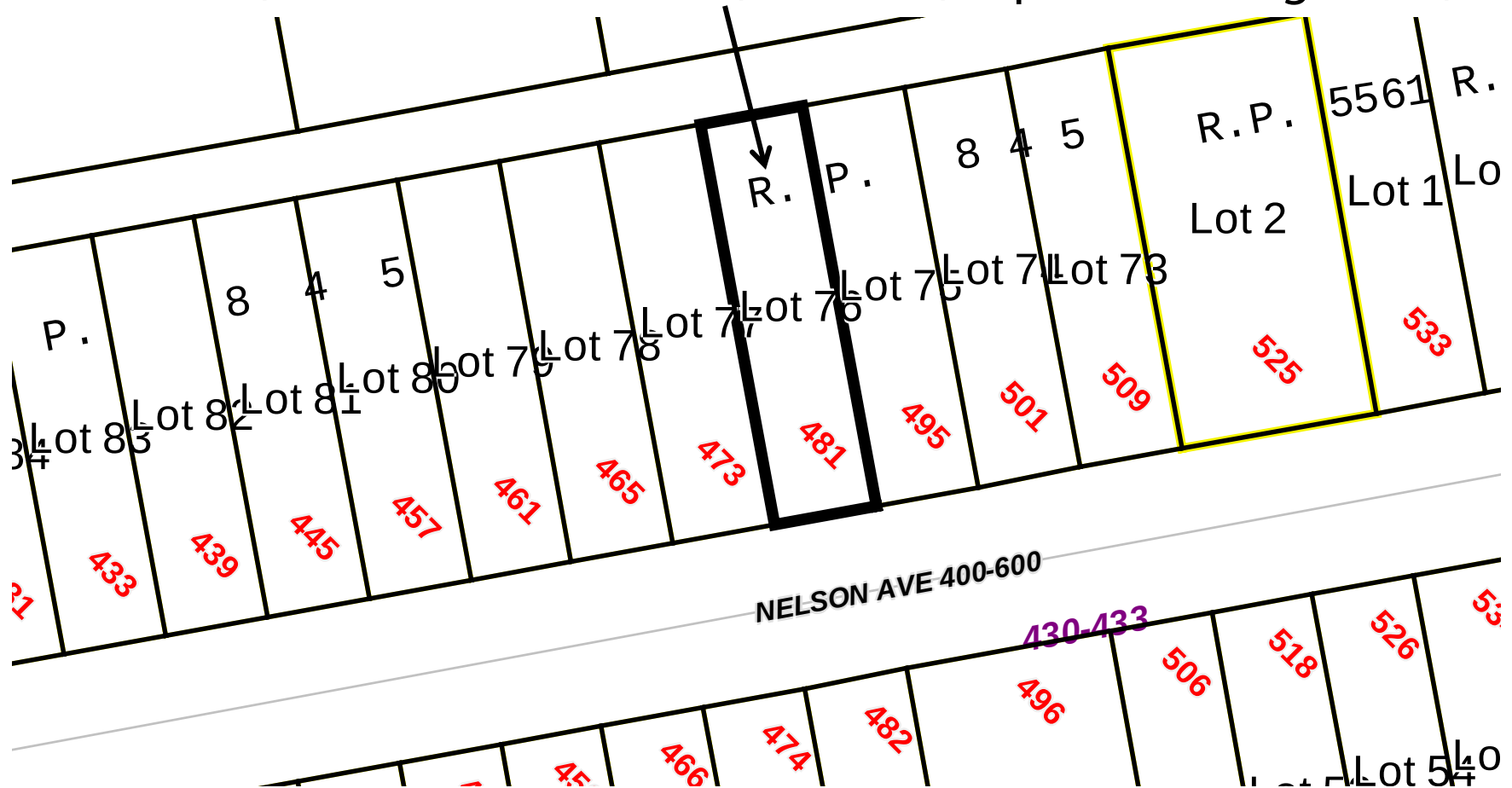
Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 481 Nelson Avenue

- 22 -

From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-20

Date: _____

Corporate Officer: _____

Bylaw No. 2016-21

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-21".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 23, District Lot 2, Group 7, Similkameen Division Yale(Formerly Yale Lytton) District, Plan 4075, located at 679 Churchill Avenue, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	18 day of	April, 2016
A PUBLIC HEARING was held this	2 day of	May, 2016
READ A SECOND time this	day of	, 2016
READ A THIRD time this	day of	, 2016
RECEIVED the approval of the	day of	, 2016
Ministry of Transportation on the		
ADOPTED this	day of	, 2016

Notice of intention to proceed with this bylaw was published on the 22 day of April, 2016 and the 27 day of April, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2016

for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 24 -



Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2016-19

A Bylaw for the levying of property tax rates for the year 2016

WHEREAS pursuant to the *Community Charter*, Council is empowered to impose property value taxes by establishing tax rates within the City of Penticton;

AND WHEREAS it is deemed expedient to establish tax rates for the municipal revenue proposed to be raised from property value taxes and the amounts to be collected by means of rates established to meet the City's taxing obligation in relation to another local government or other public body;

NOW THEREFORE the Council of The Corporation of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Tax Rates Bylaw No. 2016-19".
2. The following rates are hereby imposed and levied for the year 2016.
 - 2.1 For lawful general purposes of the municipality on the value of land and improvements taxable for general Municipal purposes, rates appearing on Column "A" of the Schedule 'A' attached hereto and forming part hereof;
 - 2.2 For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "B" of the Schedule 'A' attached hereto and forming a part hereof;
 - 2.3 For purposes of the Regional District of Okanagan-Similkameen on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "C" of the Schedule 'A' attached hereto and forming a part hereof;
 - 2.4 For purposes of the Regional District of Okanagan-Similkameen 9-1-1 Emergency Telephone Service and Mosquito Control, on the assessed value of improvements taxable for Regional Hospital District purposes, rates appearing in Column "D" of the Schedule 'A' attached and forming a part thereof;
 - 2.5 For purposes of Regional District of Okanagan-Similkameen Sterile Insect Release Program, on the assessed value of land taxable for Regional Hospital District purposes, rates appearing in Column "E" of the Schedule 'A' attached and forming a part hereof.

3. There shall be prepared, pursuant to the provisions of the Irrigation, Sewer and Water Bylaw 2005-02, a Special Assessment Roll (hereinafter referred to as "The Special Assessment Roll") covering lands and improvements thereon in the Sanitary Sewer Area created by Schedule "G" of Irrigation, Sewer and Water Bylaw 2005-02 as amended.
4. There shall be settled, imposed, levied and collected off and from all lands and improvements assessed and described on the Special Sewerage Assessment Roll of The Corporation of the City of Penticton for the year 2016 as follows:

For sanitary sewer system debt purposes on the value of the said land and improvements taxable for general Municipal purposes within the limits of the sewerage district, rates appearing in Column "F" of the Schedule 'A' attached and forming a part hereof.

5. There shall be added to the current year's taxes unpaid on each parcel of land and improvements upon the Collector's Roll the 29th day of July, 2016, ten percent (10%) of the amount thereof, which shall from the 30th day of July, 2016, be deemed to be the amount of the current year's taxes unpaid upon such lands and improvements and the date upon which such percentage shall be added as provided by the said *Community Charter* shall be and the same is hereby set accordingly.

READ A FIRST time this	18 day of	April, 2016
READ A SECOND time this	18 day of	April, 2016
READ A THIRD time this	18 day of	April, 2016
ADOPTED this	day of	May, 2016

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

The Corporation of The City of Penticton

Schedule 'A'

Tax Rates (dollars of tax per \$1,000 taxable assessment)

2016	A	B	C	D	E	F
Property Class	General Municipal	Regional Hospital District	RDOS	RDOS 911 Emergency Telephone Service & Mosquito Control	RDOS Sterile Insect Release Program	Sanitary Sewer Debt
1 Residential	4.4017	0.3182	0.1545	0.0640	0.0483	0.1884
2 Utilities	22.0085	1.1136	0.5408	0.2240	0.1691	0.9422
3 Supportive Housing	4.4017	0.3182	0.1545	0.0640	0.0483	0.1884
4 Major Industry	6.9547	1.0818	0.5253	0.2176	0.1643	0.2977
5 Light Industry	6.9547	1.0818	0.5253	0.2176	0.1643	0.2977
6 Business & Other	6.9547	0.7795	0.3786	0.1568	0.1184	0.2977
7 Managed Forest Land	6.9547	0.9545	0.4635	0.1920	0.1449	0.2977
8 Recreation/Non-Profit	5.9423	0.3182	0.1545	0.0640	0.0483	0.2544
9 Farm	9.9038	0.3182	0.1545	0.0640	0.0483	0.4240

THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 2016-16

A Bylaw to regulate the use of explosives for blasting

WHEREAS Section 8 (3) (d) and Section 15 of the *Community Charter*, authorizes the regulation of explosives by a Municipality in the Province of British Columbia;

NOW THEREFORE BE IT RESOLVED THAT the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as “Blasting Control Bylaw No. 2016-16”.

2. Application

This Bylaw applies to any Land or right of ways within the boundaries of the City unless otherwise excepted herein.

3. Definitions

In this bylaw, words or phrases have their normal or common meaning except where this is changed, modified or expanded by the following definitions:

“Application for a Blasting Permit” means a written application for a Blasting Permit in the form as contained in Schedule “A” to this Bylaw;

“Assurance Form” means the written document from the Owner and the Blasting Engineer assuring that certain items will occur relative to the Blast as contained in Schedule “C” to this Bylaw;

“Blast” or “Blasting” means the use of explosives for the purpose of moving, displacing or breaking rock or other material;

“Blaster” means the person, firm or corporation engaged by the Owner to conduct Blasting and includes an agent, contractor or employee of the Blaster;

“Blaster’s Certificate” means a Blaster’s Certificate issued by WorksafeBC;

“Blasting Area” means the full extent of potential impact from the Blasting operation and On-Site Processing of Blast Rock, including all areas of detonation, adjacent areas that may be subject to impact and the area of Maximum Peak Particle Velocity, Frequency Response, noise and dust;

“Blasting Engineer” means a professional engineer or their designate authorized to practice by the Association of Professional Engineers and Geoscientists of British Columbia who is competent in rock mechanics and Blasting, is independent of the Blaster, who agrees to oversee a Blasting project on behalf of an Owner and is acceptable to the Director;

"Blasting Mat" means a mat usually made of sliced-up rubber tires bound together with ropes, cables or chains or a blanket of interwoven steel cable or interlocking steel rings placed over a Blast to contain the resultant fragments and suppress dust;

"Blasting Permit" means a written authorization to conduct Blasting as issued by the Director under this Bylaw as contained in Schedule "D" to this Bylaw;

"Blasting Plan" means a document prepared by or under the supervision of the Blasting Engineer that must include, without limitation, (i) a diagram of the blasting pattern; (ii) a plan indicating the full extent of the Blasting Area; (iii) the sequence of detonation and the maximum weight of explosives to be detonated per delay; (iv) the specific safety measures to be taken; (v) the specific measures taken to minimize the effect of the Blasting on third parties; (vi) Maximum Peak Particle Velocity and Frequency Response; (vii) area requiring notification to Neighboring Owners; (viii) the Pre-Blast Inspection Area; and (ix) Placement of Blasting signage; (x) Test blasting requirements; (xi) Pre-blast survey radius; (xii) Drill log records; (xiii) Rock removal and (xiv) work sequence;

"Building Engineer" means a professional engineer or their designate authorized to practice by the Association of Professional Engineers and Geoscientists of British Columbia who is competent in the evaluation of buildings and who will undertake Pre-Blast Inspections and any required Post-Blast Inspections;

"City" means the Corporation of the City of Penticton;

"Council" means the Municipal Council of the City;

"Director" means the Director of Development Services or their designate;

"Fees and Charges Bylaw 2014-07" means the City Fees and Charges Bylaw as amended or superseded;

"Indemnification Form" means the written document indemnifying the City and its employees as contained in Schedule "B" to this Bylaw;

"Land" means any land within the boundaries of the City;

"Neighboring Owner" means the Owner or Owners of property within a set distance from the Blasting Area as prescribed by the Blasting Engineer as being affected by Blasting and also includes the occupants of a property that is not occupied by an Owner;

"On-Site Processing of Blast Rock" means any mechanical processes such as, but not limited to, rock crushing, washing, screening and stockpiling that are applied to rock that has been Blasted;

"Owner" means the person registered in the Land Title Office as entitled to the fee simple of a parcel, holders of a registered right to purchase a parcel, or holders of a right of way in favor of a statutory authority on or over which the person proposes to Blast and includes a person authorized in writing by the Owner to act as the Owner's agent for purposes of this bylaw;

“Maximum Peak Particle Velocity and Frequency Response” is the maximum allowable peak particle velocity and frequency response as set by the Blasting Engineer in the Blast Plan;

“Post-Blast Inspection” means an inspection by the Building Engineer, once Blasting is complete, of any area the Building Engineer deems required plus an inspection of any Land or buildings on Land where the Neighboring Owner has requested a Post-Blast Inspection to determine the impact of Blasting on any Land or building on Lands;

“Pre-Blast Inspection” means an inspection of the Pre-Blast Inspection Area by the Building Engineer prior to Blasting occurring to determine status of Land and buildings on Land prior to Blasting;

“Pre-Blast Inspection Area” means the area identified by the Blasting Engineer where Land and buildings on Land must be inspected to document condition prior to Blasting;

“Security Person” means a trained and certified security person holding a valid security workers license or a Blaster having a valid Blasting Certificate; and

“WorkSafeBC” means the Workers Compensation Board of British Columbia.

4. Application for a Permit Authorizing Blasting

An Owner may apply to the Director for a Blasting Permit within the City. The Owner shall submit a fully completed Application to the Director as contained in Schedule “A” to this Bylaw along with the following:

- a) a title search conducted within the past 30 days for the property where the Blasting is to occur;
- b) a valid Blaster’s Certificate in the name of the proposed Blaster;
- c) an Indemnification Form executed by the Owner in the form contained in Schedule “B” to this Bylaw, which will at a minimum provide that the Owner will:
 - i. indemnify and defend the City from all claims and damages related to or arising from the Blasting;
 - ii. waive all claims for contribution and indemnity against the City for losses related to or arising from the Blasting; and
 - iii. pay for all damage that results to third party structures and property as a result of the Blasting.
- d) a certificate of insurance acceptable to the Director in the minimum amount of \$5,000,000 naming as named insureds the Blaster, the Owner, and the City providing defense and indemnity protection against all liability for property damage or personal injury arising from or relating to the proposed Blasting;
- e) a letter of assurance from the Owner in the form contained in Schedule “C” to this Bylaw signed by both the Owner and the Blasting Engineer;

- f) a Blasting Plan that is approved by the Blasting Engineer;
- g) a plan indicating the Blast Area;
- h) a plan indicating the Pre-Blast Inspection Area. Should this area be less than 100 meters from the edge of the Blast area the Blasting Engineer must provide justification for the reduction.
- i) a report from the Blaster detailing how drill rigs and compressors are to be muffled, note the Director may require use of equipment or techniques to reduce or control noise and dust levels;
- j) a description of any On-Site Processing of Blast Rock that is to occur including the how noise and dust is to be controlled and a schedule for the processing work, note the Director may require the use of equipment or techniques to reduce or control noise and dust;
- k) a description of the purpose of the Blasting;
- l) the schedule for Blasting and any planned On-Site Processing of Blast Rock prepared in a manner that will minimize the duration of the impacts of noise and dust to the adjacent areas, note the Director may alter the schedule to minimize the impact to the Neighboring Owners;
- m) a statement of the amount of material that is proposed to be removed;
- n) a report on where and how notice of Blasting, the Pre-Blast Inspections, the procedure to be used to notify Neighboring Owners and the steps a Neighboring Owner is to take in the event that Blasting causes any damage to Land or buildings on the Land;
- o) the name and contact information for the Blasting Engineer;
- p) the name and contact information for the Building Engineer;
- q) the fee as prescribed in the City Fees and Charges Bylaw 2014-07.

5. Permit Authorizing Blasting

If an Owner submits an Application under this Bylaw and the Director considers it safe and prudent to do so, the Director may issue a Blasting Permit in the form contained in Schedule "D" to this Bylaw upon such terms, conditions, and restrictions as the Director determines are appropriate.

An Owner who holds a valid Blasting Permit may conduct Blasting in accordance with the terms, conditions, and restrictions of the Blasting Permit and this bylaw.

The Blasting Permit will be valid for the time period determined by the Director taking into account the schedule provided in the application and the impact of the blasting on the adjacent area.

The Director may, upon the written Application of the Owner extend the Blasting Permit for a further duration of up to 30 days. No further extensions are permitted.

The Director may cancel or suspend a Blasting Permit or the authority to Blast under a Blasting Permit, without raising any liability for delay damages, if there are reasonable grounds to believe that:

- a) the Owner or the Blaster or their agents or employees have violated the Blasting Permit or any applicable law, regulation, bylaw, or ordinance; or
- b) damage to other property or a nuisance has resulted or will result from the Blasting.

6. Notification of Neighboring Owners

Once a Blasting Permit has been issued and at least 15 days before Blasting commences the Owner or their representative shall provide written notice to all Neighboring Owners. The notice must include the following:

- a) the name and business address of the Owner, the Blaster, the Blasting Engineer and the Building Engineer;
- b) the reason for the work;
- c) a description of how the work is to be completed;
- d) an illustration or computer generated rendering of the finished Blast product to help neighbors better understand why they will have to tolerate the Blasting;
- e) a plan of the Blast Area;
- f) a plan of the Pre-Blast Inspection Area;
- g) information on who to contact and the stipulated time frames should a Neighboring Owner wish to register a concern or submit a specific claim for damage related to Blasting;
- h) the approximate quantity of rock to be removed;
- i) any On-Site Processing of Blast Rock and how it will be addressed;
- j) dust and noise control measures to be used;
- k) the date of commencement of Blasting;
- l) the schedule for the work including Blasting and On-Site Processing of Blast Rock;
- m) a description of the methods to be used to safeguard persons and property;
- n) the Maximum Peak Particle Velocity and Frequency Response;
- o) the warning and signaling methods to be used;
- p) the name and phone number of a representative of the Blaster or Owner who will answer telephone calls and provide further information;

- q) notice of the upcoming Pre-Blast Inspection, a description of the inspection process, a request that the Neighboring Owner voluntarily participate in this inspection, and a warning that the Building Engineer may waive the inspection if the Neighboring Owner does not reasonably cooperate; and
- r) prior to every separate Blast, the Owner shall provide forty eight hour written notice to any school, childcare facility, residential care home, hospital, public occupancy building or space, kennel or animal husbandry facility, commercial or industrial building within 400 meters of the proposed Blasting, unless this requirement is waived by the school, childcare facility, residential care home, hospital, public occupancy building or space, kennel or animal husbandry facility, commercial or industrial building.

The Owner shall post signs at every location where vehicles or pedestrians may enter the area affected by a Blast illustrating the warning and signaling devices to be used and providing contact information for the Blaster and the Owner.

7. Pre-Blast Inspection

Once a Blasting Permit has been issued and 3 days after written notice to all Neighboring Owners within the Blast Area has been given, the Building Engineer shall conduct a Pre-Blast Inspection of all structures and outbuildings, swimming pools, foundations, retaining walls, patios and driveways on any parcel of Land in the Pre-Blast Inspection Area. The Building Engineer shall record the results of the Pre-Blast Inspection in a written report. This report must identify with reasonable particularity, and where appropriate with photographs, all pre-existing damage to any property within the Pre-Blast Inspection Area, all conditions that are susceptible to damage from the proposed Blasting and documentation on the steps taken to inspect and secure the signature of the Neighboring Owner on the inspection report should they fail to be able to perform an inspection or secure a signature. The Building Engineer shall sign the report and request that the Neighboring Owner also sign the report. The Building Engineer must obtain the consent of the Neighboring Owner before entering onto their Land to conduct the Pre-Blast Inspection. The Building Engineer shall provide a copy of the Pre-Blast Inspection report to the Director prior to commencing Blasting.

If a Neighboring Owner unreasonably refuses consent to the Building Engineer entering their property for a period of more than 3 days, or does not respond to the Building Engineer's written notice, the Building Engineer may, upon 3 days written notice to the Neighboring Owners of that property, waive the requirement for that property to be inspected. If a Neighboring Owner unreasonably refuses to sign the inspection report for a period of more than 3 days, the Building Engineer may, upon 3 days written notice to the Neighboring Owner, waive the requirement for their signature. The Building Engineer shall make contemporaneous records evidencing all material facts underlying any decision to waive a requirement under this paragraph and include those records in the Pre-Blast Inspection report.

The Owner may provide written notice to the Neighboring Owners under this bylaw by:

- a) mailing the notice to the address or addresses of all Owners registered with the Land Title Office and

- b) either posting the notice on the front door of each individual residence or other occupied structure on the property or leaving it with any adult person who has control of the residence or occupied structure.

Notice by mail is deemed to be received and effective ~~five~~ three days after being placed in the mail.

8. Blasting

Blasting may only commence once:

- a) the Blasting Permit has been issued;
- b) notification of all Neighboring Owners is complete; and
- c) the Pre-Blast Inspection report has been completed and submitted to the Director.

The Blaster shall ensure that no material, including fly rock, and no unreasonable dust or debris leaves the site during Blasting or enters the property of any of the Neighboring Owners.

The Blaster must ensure that Blasting Mats are used at all times when Blasting is conducted unless otherwise approved by the Blasting Engineer.

9. Hours of Blasting

Blasting may be carried out from Monday through Saturday, not including holidays, during daylight hours and from 8:30 am through 4:30 pm during the time period indicated in the schedule approve in the Permit. No person shall carry out Blasting at any other time.

10. Hours of On-Site Processing of Blast Rock

The On-Site Processing of Blast Rock may be carried out from Monday through Saturday, not including holidays, during daylight hours and from 8:30 am through 4:30 pm during the time period indicated in the schedule approve in the Permit. No person shall carry out On-Site Processing of Blast Rock at any other time.

11. Blasting Site Safety

The Owner and the Blaster shall comply with all regulations and requirements imposed by WorkSafeBC and any other applicable bylaws and laws of the Provincial or Federal Government.

The Blaster shall cause a Security Person to be stationed at each entry point to the area affected by the Blasting. Prior to any Blast, the Security Person shall signal persons and vehicles to prevent them from entering an area that may be affected by the Blast. The Security Person shall ensure that no blasting occurs while persons or vehicles are present in the area affected by the Blast.

The Blaster shall sound an audible signal at both the commencement and cessation of each Blast.

12. Monitoring

The Owner shall retain a Blasting Engineer and a Building Engineer at the Owner's cost to oversee and monitor the Blasting and Pre-Blast any required Post-Blast inspections.

The Owner and the Blaster and their agents and employees shall comply with the lawful directions of the Blasting Engineer in all matters related to the Blasting.

The Blasting Engineer shall do the following:

- a) monitor and oversee all Blasting;
- b) review all records including drill logs and explosive use records created in relation to the Blasting in a timely fashion;
- c) determine the requirements and schedule for on-site inspections;
- d) undertake either in person or through their designate on-site inspections in accordance with the schedule;
- e) ensure that all Blasting complies with the Blasting Plan, the Blasting Permit, this bylaw, and all other applicable laws and regulations; and
- f) Notify the Owner, Director and Neighboring Owners when Blasting is complete.

The Blasting Engineer shall immediately, and in no event less than 24 hours, notify the Director if the Engineer knows or reasonably suspects that any of the following has occurred:

- a) any person has violated or contravened with the Blasting Plan, the Blasting Permit, this bylaw, and all other applicable laws and regulations with respect to the Blasting;
- b) the Maximum Peak Particle Velocity and Frequency Response has been exceeded;
- c) any property damage has occurred to property owned by a third party as a result of the Blasting; or
- d) any personal injury has occurred as a result of the Blasting.

If the Blasting Engineer ceases to be retained at any time, the Blasting Engineer must immediately inform the Owner, the Blaster and the Director in writing. The Owner and the Blaster shall then ensure that all Blasting and related work on the project ceases until such time as:

- a) a new registered professional is retained to act as the Blasting Engineer, and
- b) a new letter in the form set out in Schedule "C" to Blasting Regulation Bylaw 2016-16 is filed with the Director.

The Owner and the Blaster shall cause ground vibration measurements to be made and recorded in writing during each Blast at the closest structure to the Blast and at any other structures that are sensitive to ground vibrations. The Blaster shall retain all records made under this provision for a period of six years after Blasting is complete.

The Maximum Peak Particle Velocity and Frequency Response at any structure is a particle velocity of 50 millimeters per second or a lesser amount specified by the Blasting Engineer.

The Blaster shall forthwith notify the Blasting Engineer if the ground vibration at any point exceeds the Maximum Peak Particle Velocity and Frequency Response.

The Building Engineer shall do the following:

- a) conduct the Pre-Blasting and any required Post-Blasting inspections and complete the associated reports.

The Blaster shall do the following:

- a) maintain a log of all concerns registered from Neighboring Owners and any specific claim submissions for damage noting: The date the concern or claim was brought forward; The date the concern or claim allegedly occurred; The nature of the concern or claim; The action taken to address the concern or claim; If a Post Blast Inspection is required; The date of the Post Blast Inspection; and The findings and recommendations from the Post Blast Inspection.

13. Post-Blasting Requirements and Liability for Damages

Within 60 days of the Blasting being completed, the Blaster, Building Engineer and the Blasting Engineer shall determine where Post-Blast Inspections shall be carried out. In making that determination they will consider the Blast records, any odd Blast occurrences, the log of Neighboring Owners concerns and all specific claim submissions for damage from Neighboring Owners. The Building Engineer shall complete a Post-Blast Inspection of the identified areas plus on any Land or building on Land where the Neighboring Owner has made a specific claim submission for damage. The Building Engineer must create a report which identifies with reasonable particularity, and where appropriate with photographs his findings regarding any damage caused by the Blasting or that reasonably could have been caused by the Blasting. The Building Engineer shall submit his report to the Owner, Director and each Neighboring Owner that has requested a Post-Blast Inspection.

At any time within 45 days after notice that Blasting has been completed, a Neighboring Owner may give notice to the Owner of a claim for sustained damage as a result of the Blasting.

Upon receiving notice of a claim for damage from a Neighboring Owner, the Owner will forthwith inform the Blasting Engineer and the Building Engineer and provide both with any written documentation, photographs or other evidence received.

The Building Engineer shall investigate all timely reports of damage by Neighboring Owners and any damage noted in the Post-Blasting Report and provide a written report to the Owner and the affected Neighboring Owners setting out in detail the following:

- a) a detailed description of the extent and nature of any damage;
- b) photographs of any damage;
- c) the Building Engineer's opinion on the causation of the damage along with a reasonably particularized statement of the Building Engineer's analysis; and
- d) the Building Engineer's recommendation to repair the damage.

The Owner shall complete any repairs recommended by the Building Engineer to repair damage caused by the Blasting within 30 days or such other time as is agreed between the Owner and the affected Neighboring Owners.

Within 15 days of the date that the Owner is to complete the repairs, the Owner shall provide written documentation to the Neighboring Owner that repairs have been completed to the satisfaction of the Building Engineer.

14. Exemptions

Notwithstanding the provisions hereof, Blasting shall be exempt from all provisions of this Bylaw:

- a) if the Blasting is specifically authorized by a statute or regulation other than the *Local Government Act* or the *Community Charter*; or
- b) if the Blasting is, in the Director's opinion, required on an urgent basis to lessen or eliminate an imminent threat to life, safety, property damage or damage to water, sanitary sewer, storms sewer and electrical systems, public transportation routes, or communication systems, and the Director provides a written exemption allowing the Blasting; or
- c) less than 10 cubic meters of rock or other material is to be blasted by means of detonating not more than 0.3 kilograms of explosive per delay; or
- d) the rock to be blasted consists entirely of boulders separate from bedrock.

15. Prohibitions

Blasting is prohibited within the City except as specifically authorized by this Bylaw.

Anyone who Blasts within the City without a valid Blasting Permit or a valid written exemption under this Bylaw commits an offence.

Anyone who authorizes or permits Blasting on property owned or controlled by that person within the City without a valid Blasting Permit or a valid written exemption under this Bylaw commits an offence.

Anyone who violates the terms or conditions of a Blasting Permit issued under this Bylaw commits an offence.

Anyone who violates the terms of this Bylaw commits an offence.

16. Other Bylaws Apply

All Blasting activities must be carried out in compliance with this Bylaw and the bylaws of the City generally.

Nothing in this bylaw limits the application or extent of any other bylaw, including without limitation Building Bylaw No. 94-45, Earthworks Control Bylaw No. 2006-65, or Good Neighbor Bylaw No. 2012-5030.

17. Penalty

Every person who violates any provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects or refrains from doing anything required be done by any provision of this bylaw, shall be guilty of an offence, and upon summary conviction therefore, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), or in the alternative, to imprisonment for a period of time not exceeding six (6) months.

Each day during which such contravention is continued shall be deemed to constitute a new and separate offence.

18. Severability

If any section, sub-section, sentence, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this bylaw.

19. Repeal

The City hereby repeals Blasting Control Bylaw 2016-01.

READ A FIRST time this	<u>18</u>	day of	<u>April</u> , 2016
READ A SECOND time this	<u>18</u>	day of	<u>April</u> , 2016
READ A THIRD time this	<u>18</u>	day of	<u>April</u> , 2016
ADOPTED this		day of	, 2016

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE "A" TO BLASTING CONTROL BYLAW NO. 2016-16

APPLICATION FOR A BLASTING PERMIT

1. Date: _____
2. I, _____, of
(Name of Owner)

(Address)

(Daytime Phone)

am the registered Owner of the following Lands

(Street address)

(Legal description)

Or am doing work on a City Right of Way as described below

3. I hereby authorize _____
(Name of Owner's Agent)
- of, _____
(Company Name) (Daytime Phone)

to act as my agent pursuant to Blasting Regulation Bylaw 2016-16.

4. The purpose of the Blasting is:
- ____ road and utilities ____ utility connections
____ house or garage ____ driveway or parking area
____ other (describe)

5. Estimated total volume of rock to be Blasted _____ m³
6. Expected date of starting of drilling _____
7. Estimated start date of Blasting _____
8. Estimated end date of Blasting _____
9. Estimated start date of On-Site Processing of Blast Rock _____
10. Estimated end date of On-Site Processing of Blast Rock _____
11. The fee as required by Fees and Charges Bylaw 2014-07 is enclosed.
12. The following documentation is provided in support of this application:
 - a) a title search conducted within the past 30 days for the property where the Blasting is to occur;
 - b) a valid Blaster's Certificate in the name of the proposed Blaster;
 - c) an Indemnification Form to the Director from the Owner in the form contained in Schedule "B" to Blasting Regulation Bylaw 2016-16;
 - d) a certificate of insurance in the minimum amount of \$5,000,000 naming as named insureds the Blaster, the Owner, and the City of Penticton providing defense and indemnity protection against all liability for property damage or personal injury arising from or relating to the proposed Blasting;
 - e) a letter of assurance in the form provided by the Director signed by both the Owner and the Blasting Engineer;
 - f) a Blasting Plan that is approved by the Blasting Engineer;
 - g) a plan of the Blast Area;
 - h) a plan of the Pre-Blast Inspection Area;
 - i) a report from the Blaster detailing how drill rigs and compressors are to be muffled, note the Director may require use of equipment to reduce or control noise levels;
 - j) a description of any On-Site Processing of Blast Rock that is to occur including how noise and dust is to be controlled and the schedule for the processing work;
 - k) a description of the purpose of the Blasting;
 - l) a statement of the amount of material that is proposed to be removed;
 - m) a report on where notice of Blasting and the Pre-Blast inspections are to be done and the procedure to be used to notify Neighboring Owners;
 - n) the name and contact information for the Blasting Engineer; and
 - o) the name and contact information for the Building Engineer.

13. The above information is certified to be correct:

(Owners name(s))

(Owner's signature(s) or Authorized Signatory if a Corporation) (Date)

(Owners Agent signature)

(Date)

SCHEDULE "B" TO BLASTING CONTROL BYLAW NO. 2016-16

INDEMNIFICATION FORM

Date: _____

To: The Director of Development Services
 The City of Penticton
 171 Main Street
 Penticton, B.C.
 V2A 5A9

Re: _____
 (Address or Description of Project Location)

The Owner hereby agrees to indemnify and defend The Corporation of the City of Penticton and its agents and employees with respect to all actions, causes of actions, claims, demands, awards, judgments, costs and expenses (including legal fees) arising from or in any way relating to the Blasting and related activities on the above referenced property or location for which a Blasting Permit is applied for pursuant to Blasting Control Bylaw No.2016-16 including without limitation any acts or omissions of the Owner, the Blasting Engineer, the Blaster, the undersigned agent or the employees and agents or any of them . The Owner further undertakes to pay for any and all damage that results to third party structures and property as a result of the Blasting.

(Owners name(s))

(Owner's signature(s) or Authorized Signatory if a Corporation) (Date)

(Owners Agent signature) (Date)

SCHEDULE "C" TO BLASTING CONTROL BYLAW NO. 2016-16

ASSURANCE FORM

CONFIRMATION OF COMMITMENT BY OWNER AND BY BLASTING ENGINEER

Date: _____

To: The Director of Development Services
The City of Penticton
171 Main Street
Penticton, B.C.
V2A 5A9

Re: Verification of Control Measures/Blasting Plan and Monitoring of Blasting by a Registered Professional at:

(Address or Description of Project Location)

Dear Sir:

The undersigned Owner has retained as a Blasting Engineer to review a Blasting Plan and to monitor the Blasting as required by Blasting Control Bylaw No.2016-16 (the "Bylaw").

The Owner and the Blasting Engineer have read the Bylaw. The Owner and the Blasting Engineer acknowledge their responsibilities to each other and to notify the Director of Development Services if the Blasting Engineer ceases to be retained by the Owner either before the date the Blasting Engineer ceases to be retained or, if that is not possible, then as soon possible.

The Owner and the Blasting Engineer understand that where the registered professional ceases to be retained at any time during the project, Blasting and related work on the above project will cease until such time as:

- a) a new registered professional is retained, and
- b) a new letter in the form set out in Schedule "C" to Blasting Regulation Bylaw 2016-16 is filed with the Director of Development Services.

The Blasting Engineer hereby gives assurance that the Blasting Plan reviewed by this registered professional in support of the application for the Blasting Permit substantially complies with Blasting

Control Bylaw 2016-16 and other applicable enactment's respecting safety and meets all reasonable criteria for safety of life and property and will provide the further written assurance required by Section 4, and Section 12 of Blasting Control Bylaw 2016-16.

The Blasting Engineer hereby undertakes to be responsible for field reviews of the Blasting and all other obligations required in the Bylaw.

The Blasting Engineer also undertakes to notify the Director of Development Services in writing as soon as possible if the Engineer's contract for field review is terminated at any time.

The undersigned Blasting Engineer certifies that he or she is licensed to practice as a professional engineer under the Engineers and Geoscientists Act of B.C. and is specialized in rock mechanics.

Registered Professional

Owner

(Registered Professional's Name)

(Owner's Name)

(Registered Professional's Signature)

(Owner's or Owner's appointed agents
signature. (If Owner is a corporation
the
signature of a signing officer must be
given here.)

(Address)

(affix Registered Professional's Seal above)

If the Registered Professional is a member of a firm, complete the following.

I am a member of the firm:

(Name of firm)

and I sign this letter on behalf of the firm.

SCHEDULE "D" TO BLASTING CONTROL BYLAW NO. 2016-16

BLASTING PERMIT

BLASTING PERMIT NO. _____

This permit authorizes the Blaster working for the Owner

Blaster

Owner

(Blaster's Name)

(Owner's Name)

(Blasting Firm)

(Address)

(Address)

(Daytime phone number)

(Daytime phone number)

to Blast at the following location:

(Address or Description of Project Location)

for a period of ____ calendar days from the date of issue of this Blasting Permit in accordance with:

- a) the provisions of Blasting Control Bylaw No. 2016-16
- b) the Blasting Plan as submitted by the Blasting Engineer; and
- c) the recommendations in the Letter of Assurance filed with the application.

Blasting Engineer Name: _____ Daytime contact #: _____

Building Engineer Name: _____ Daytime contact #: _____

Changes from the specifications referred to in the application are listed below and are part of this Permit:

Permit Approved: _____ Date of Permit: _____
Director of Development Services

Extension Approved: _____ Date of Extension: _____
Director of Development Services

Bylaw No. 2016-22

A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Municipal Ticketing Information Bylaw No. 2012-5021";

NOW THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as "Municipal Ticketing Information Amendment Bylaw No. 2016-22".

2. Amendment:

- i. Amend "Municipal Ticketing Information Bylaw No. 2012-5021" by deleting and replacing the following Schedule in its entirety:

- Schedule B22 – Blasting Control Bylaw No. 2016-16

- ii. Schedule B22 attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2016
READ A SECOND time this	18	day of	April, 2016
READ A THIRD time this	18	day of	April, 2016
ADOPTED this		day of	, 2016

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE B22 to Bylaw 5021

Blasting Control Bylaw No. 2016-16

	SECTION	FINE
1. Blasts within the City without a valid Blasting Permit	15.	\$500
2. Authorize or permits blasting on property owned or controlled within the City without a valid Blasting Permit or valid written exemption	15.	\$500
3. Violates the terms or conditions of a Blasting Permit	15.	\$500

CITY OF PENTICTON SEWER RATE STRUCTURE REVIEW



PRESENTATION TO CITY COUNCIL

Presented by: Andrew McLaren,
InterGroup Consultants

OVERVIEW

2

The November 2015 utility rate review report recommended delaying the implementation of the new sewer rate structure until 2017 to allow the City to better understand the potential bill impacts of the new rate structure. City staff have since reviewed over 17,000 water and sewer customer accounts. The more detailed information identifies certain issues that result in changes to the rates recommended in the 2017 report.

This presentation provides a summary of the review of sewer rate implementation:

1. Review of additional data available since the November 2015 Report.
2. Evaluation of scenarios for revised sewer rate options.
3. Recommendations.

ADDITIONAL DATA REVIEW

3

The November 2015 utility rate review report used some high level estimates of the potential impact of moving from the existing fixture rate structure [fixed charges based on number of fixtures plus sewer tax levy] to a two part rate with a fixed and variable charge based on water consumption.

Since the November 2015 utility rate review report the City undertook a detailed review of about 17,000 water and sewer customer accounts. Observations from this review are provided on the next slide.

OBSERVATIONS

4

This review indicated:

- There are more residential multi-family accounts with larger meter sizes than assumed in the November 2015 utility review report [larger meter sizes were assumed to be commercial industrial customers].
- The application of a 50% reduction in summer water volumes for residential multi-family accounts would reduce their rates by a large amount when many multi-family residential accounts would be expected to have little or no lawn.
- The assumptions used in the November 2015 utility rate review report overestimated revenues from fixtures in excess of six for residential single family [3/4" meter size] customers and underestimated these revenues for other customer classes. These changes affect the way bill impacts for 2015 and 2016 were presented in the November 2015 report. The changes did not materially affect the proposed sewer rates for 2017 through 2020.
- A review of the preliminary actual sewer revenues for 2015 shows revenues are about \$0.2 million or 3.7% lower than forecast included in November 2015 utility review report based on the City's budget.

Revisions to the rates proposed in the November 2015 utility rate review report are recommended to address these observations.

WATER BALANCE

5

The recommendation in the November 2015 utility rate review report to use 50% of summer water consumption for sewer billing purposes for residential customers was based on a review of water plant and sewage plant records.

A more detailed review completed by the City with 2015 preliminary actuals confirms that a substantial portion of the summer outflows from the Water Treatment Plant are not returned to the Wastewater Treatment Plant.

Based on the more detailed review of sewer and water accounts, the application of the 50% discount on summer water volumes was also reconsidered. It is now recommended that the discount apply only to single family residential accounts as these are considered to be the users most likely to contribute to higher summer water use for lawn watering.

CITY OF PENTICTON⁵³

SEWER RATE STRUCTURE REVIEW

WATER BALANCE

6

	2015 Water Treatment Plant Outflow (ML/Month)	West Bench Usage, Leakages, Unmetered and UFW			Net "Consumed" Water Estimate	Estimated Monthly Billed Water Consumption	2015 Waste Water Treatment Plant (ML/Month)	PIB flows ML/month	Barefoot flows ML/month	Redwing flows ML/month	Groundwater Infiltration ML/month [Based on 25% of the total WWTP flows]	2015 Waste Water Treatment Plant net of Groundwater Infiltration, PIB and Barefoot flows (ML/Month)	% of "Consumed" Water not Returned to WWTP
		West Bench Usage (ML/Month)	Leakage (ML/Month) based on 2.18 ML/day estimate	Unmetered and Unaccounted for water (ML/Month)									
	A	B	C	D	E=A-B-C-D	F	G	H	I	J	K	L=G-H-I-J-K	M=(E-L)/E
January	328.3	6.1	67.6	19.0	235.7	274.9	313.4			6.5	78.3	228.5	3%
February	298.9	5.2	61.0	17.3	215.3	253.6	312.3			5.9	78.1	228.4	-6%
March	344.5	8.1	67.6	19.9	249.0	282.2	312.3			6.5	78.1	227.7	9%
April	531.6	27.6	65.4	30.0	408.6	348.2	298.9			6.3	74.7	217.8	47%
May	820.6	58.8	67.6	46.2	647.9	533.8	339.3			6.5	84.8	248.0	62%
June	937.8	71.2	65.4	52.6	748.6	581.0	338.6			6.3	84.6	247.6	67%
July	1,054.7	82.7	67.6	60.0	844.4	761.8	387.7	0.1	0.0	6.5	96.9	284.2	66%
August	912.0	67.7	67.6	52.5	724.3	737.0	381.8	0.3	0.0	6.5	95.5	279.5	61%
September	670.1	43.5	65.4	38.5	522.7	533.5	325.5	0.2	0.1	6.3	81.4	237.6	55%
October	441.1	18.6	67.6	25.4	329.5	349.7	315.2	0.2	0.0	6.5	78.8	229.7	30%
November	321.4	6.5	65.4	18.6	231.0	267.9	311.1	0.2	0.0	6.3	77.8	226.7	2%
December	386.0	6.4	67.6	22.0	290.0	277.5	311.9	0.3	0.0	6.5	78.0	227.1	22%
Total	7,047.1	402.3	795.7	402.0	5,447.1	5,201.0	3,948.1	1.3	0.1	76.8	987.0	2,882.8	
Apr-Sep Average	821.1	58.6	66.5	46.7	649.4	582.5	345.3	0.2	0.0	6.4	86.3	252.5	60%
Oct-March Average	353.4	8.5	66.1	20.3	258.4	284.3	312.7	0.2	0.0	6.4	78.2	228.0	10%
Summer over Winter	232%	691%	101%	229%	251%	205%	110%	73%	197%	101%	110%	111%	

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CITY OF PENTICTON

SEWER RATE STRUCTURE REVIEW

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: SCENARIOS

7

Based on the review of additional information available since the November 2015 utility rate review report, three scenarios for revised sewer rates for 2017 to 2020 were prepared for discussion:

- Scenario 1: billing based on 50% of summer consumption applies to all residential R1-R6 [3/4" to 4" residential meters].

- Scenario 2: billing based on 50% of summer consumption applies only to R1 [3/4" residential meters].

- Scenario 3: no reduction – all customers pay based on 100% water usage.

SEWER RATE STRUCTURE REVIEW

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON RESIDENTIAL 3/4" AND 1" METER SIZE CUSTOMERS

8

Figure 2.1: Average Residential Sewer Bill [R1 - 3/4" meter size] for 2017 Sewer Rate Options

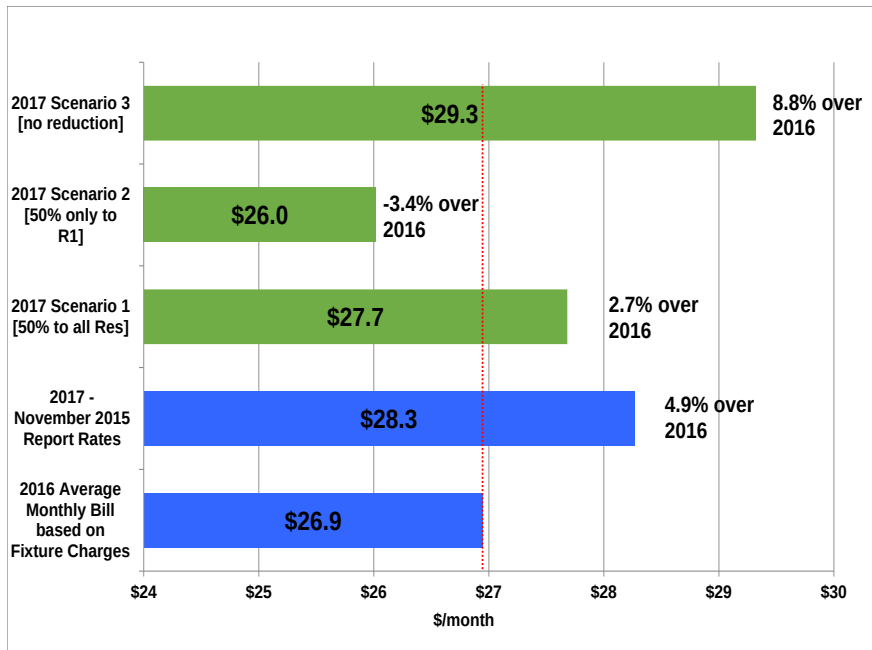
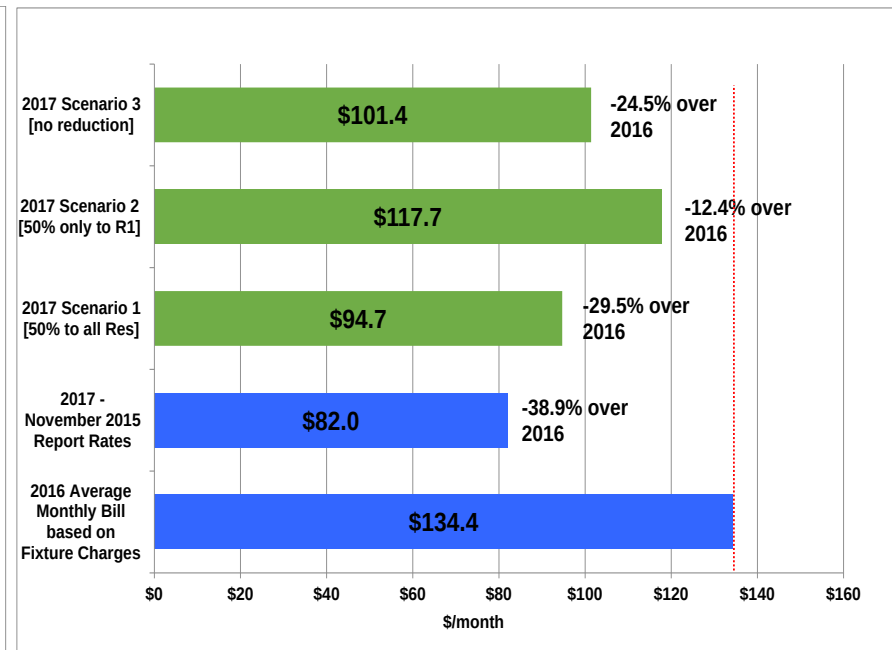


Figure 2.2: Average Residential Sewer Bill [R2 - 1" meter size] for 2017 Sewer Rate Options



CITY OF PENTICTON

NEW SEWER RATE IMPLEMENTATION

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON RESIDENTIAL 1.5" AND 2" METER SIZE CUSTOMERS

9

Figure 2.3: Average Residential Sewer Bill [R3 -1.5" meter size] for 2017 Sewer Rate Options

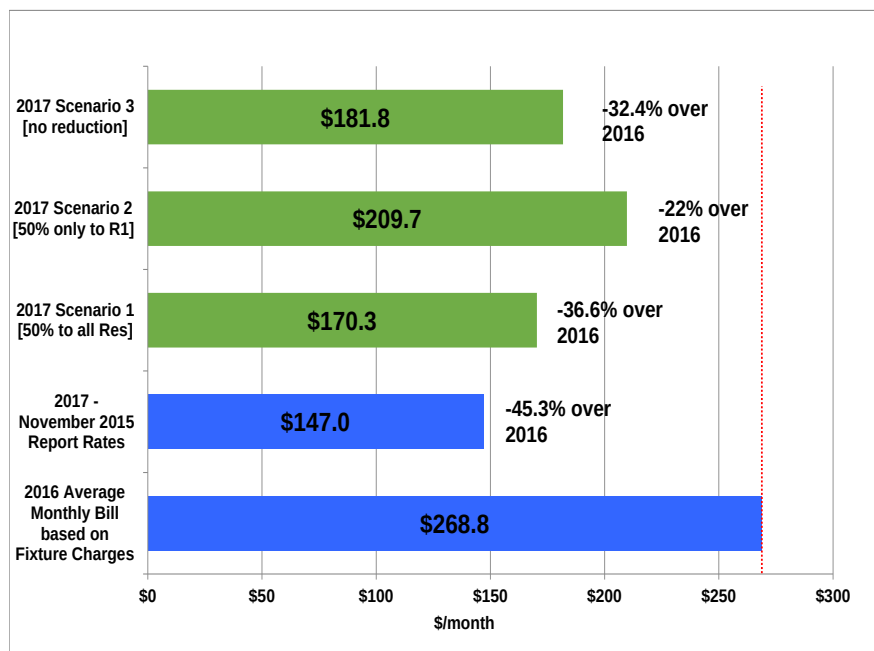
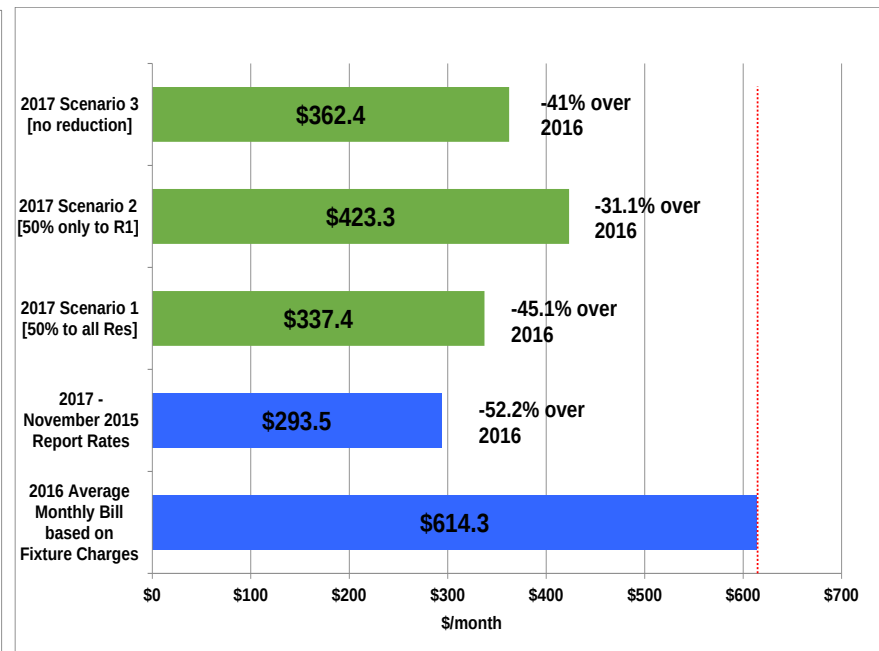


Figure 2.4: Average Residential Sewer Bill [R5 -2" meter size] for 2017 Sewer Rate Options



CITY OF PENTICTON

NEW SEWER RATE IMPLEMENTATION

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON RESIDENTIAL 3" AND 4" METER SIZE CUSTOMERS

10

Figure 2.5: Average Residential Sewer Bill [R5 -3" meter size] for 2017 Sewer Rate Options

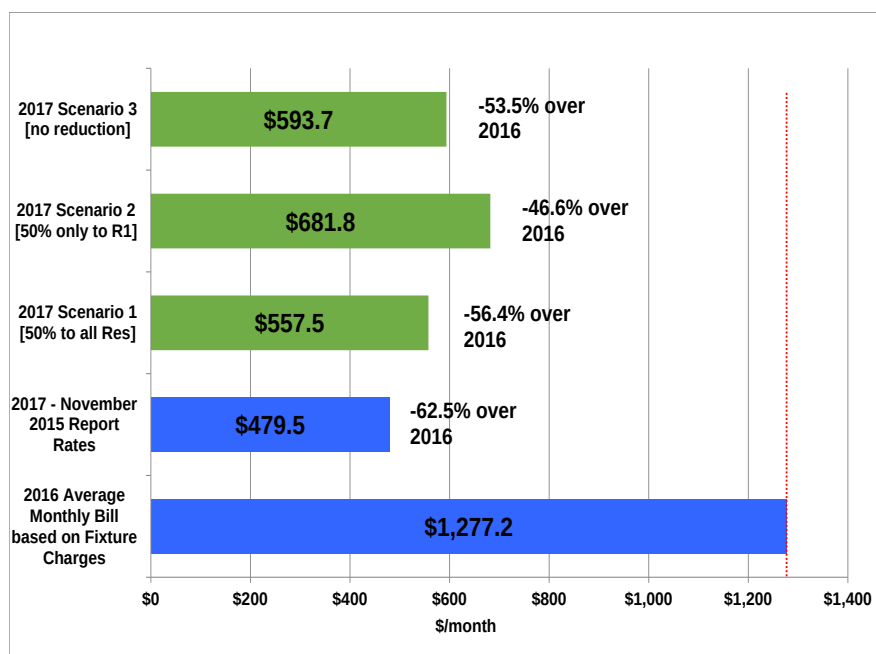
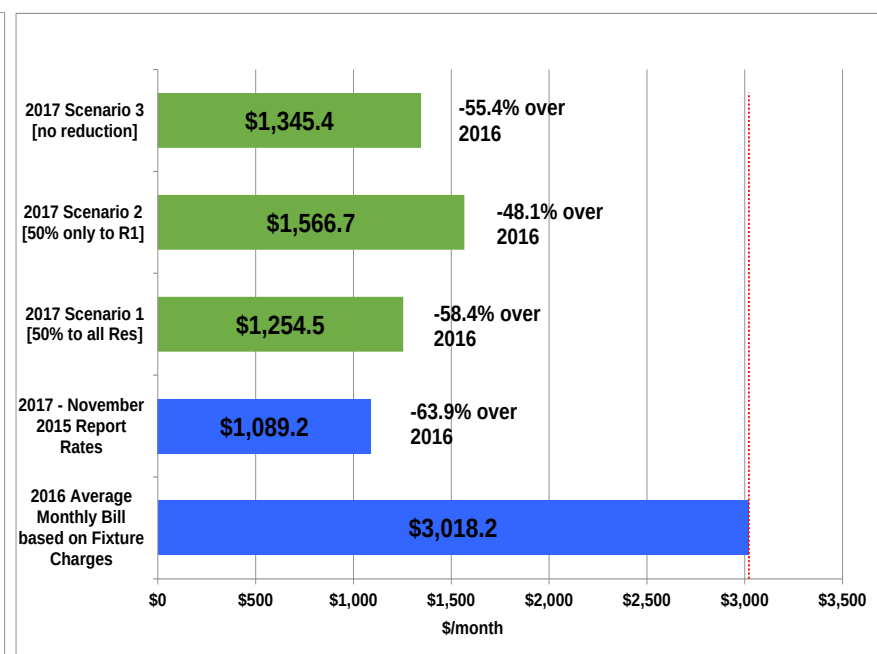


Figure 2.6: Average Residential Sewer Bill [R6 -4" meter size] for 2017 Sewer Rate Options



SEWER RATE STRUCTURE REVIEW

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON NON-RESIDENTIAL 3/4" AND 1" METER SIZE CUSTOMERS

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Figure 3.1: Average Non-Residential Sewer Bill [C1 - 3/4" meter size] for 2017 Sewer Rate Options

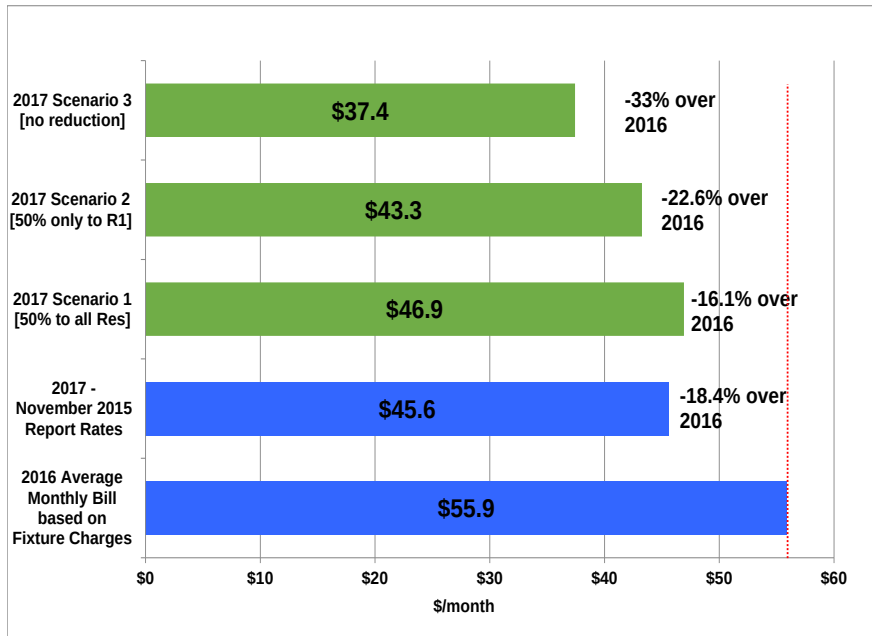
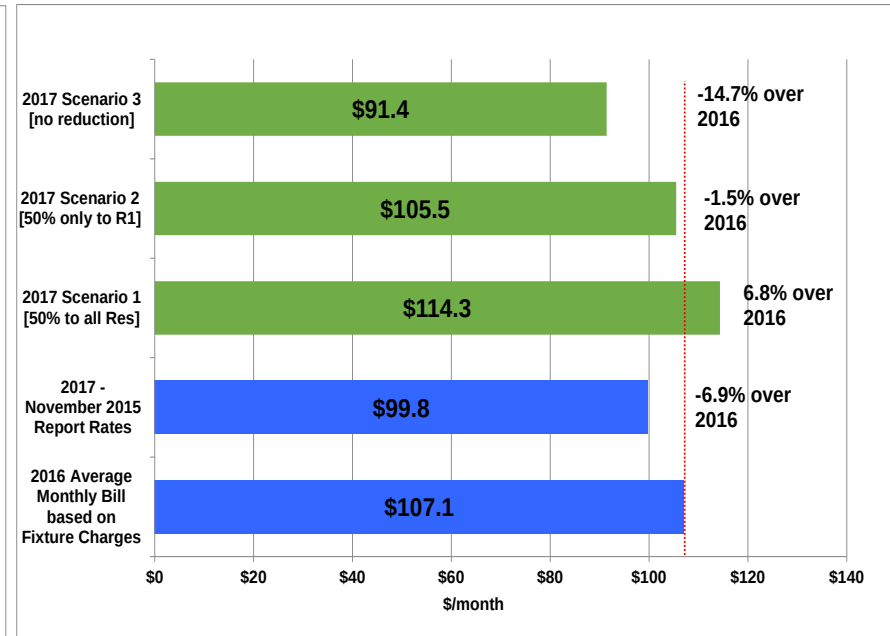


Figure 3.2: Average Non-Residential Sewer Bill [C1 - 1" meter size] for 2017 Sewer Rate Options



SEWER RATE STRUCTURE REVIEW

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON NON-RESIDENTIAL 1.5" AND 2" METER SIZE CUSTOMERS

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Figure 3.3: Average Non-Residential Sewer Bill [C3 -1.5" meter size] for 2017 Sewer Rate Options

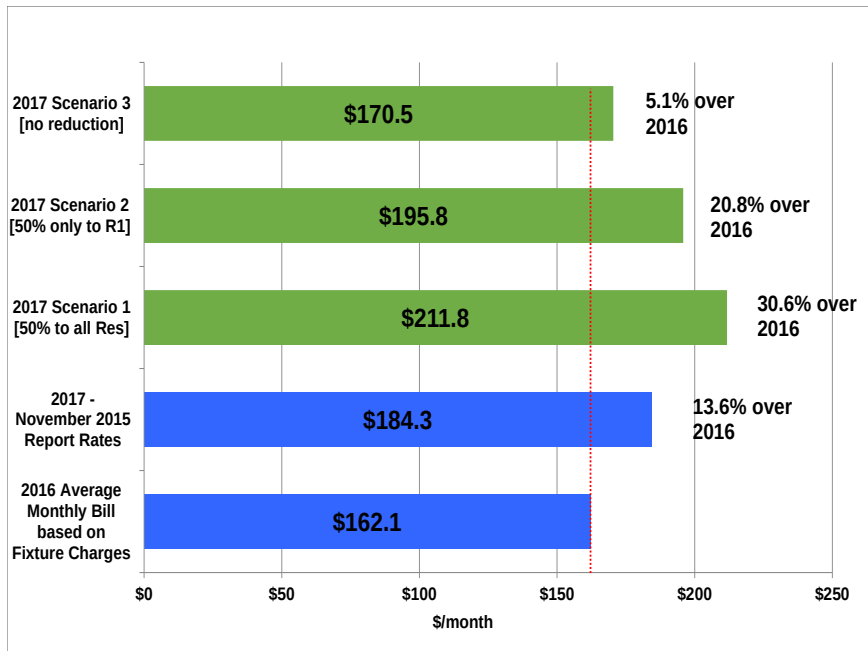
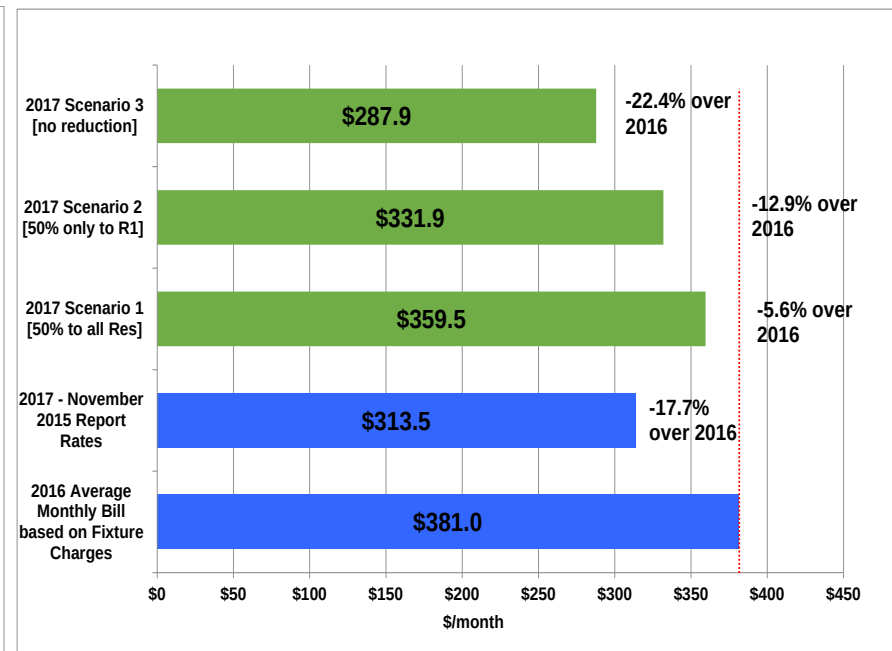


Figure 3.4: Average Non-Residential Sewer Bill [C4 -2" meter size] for 2017 based on Sewer Rate Options



SEWER RATE STRUCTURE REVIEW

PRELIMINARY SCENARIOS FOR NEW SEWER RATE OPTIONS: AVERAGE MONTHLY BILL COMPARISON NON-RESIDENTIAL 3" AND 4" METER SIZE CUSTOMERS

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Figure 3.5: Average Non-Residential Sewer Bill [C5 -3" meter size] for 2017 Sewer Rate Options

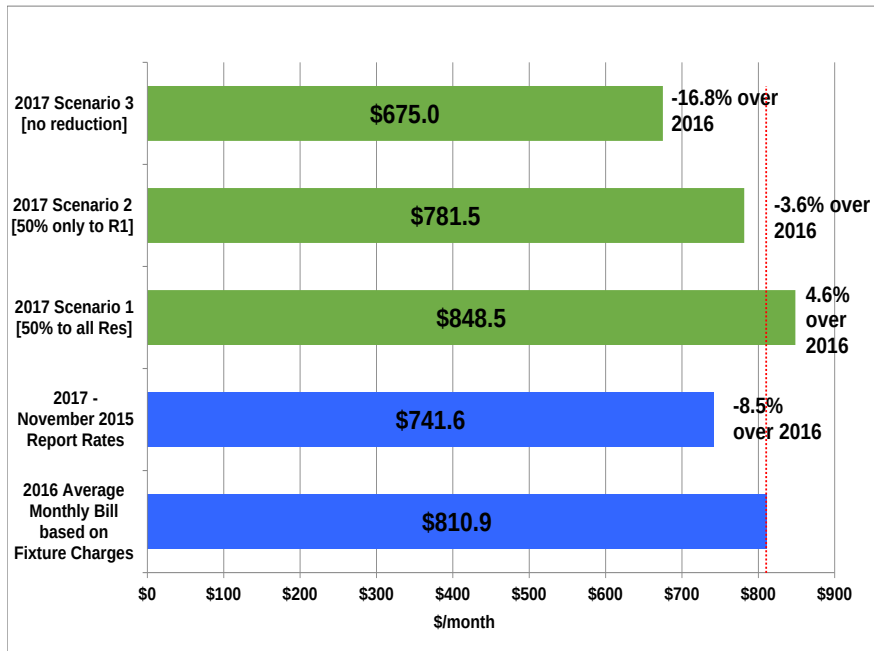
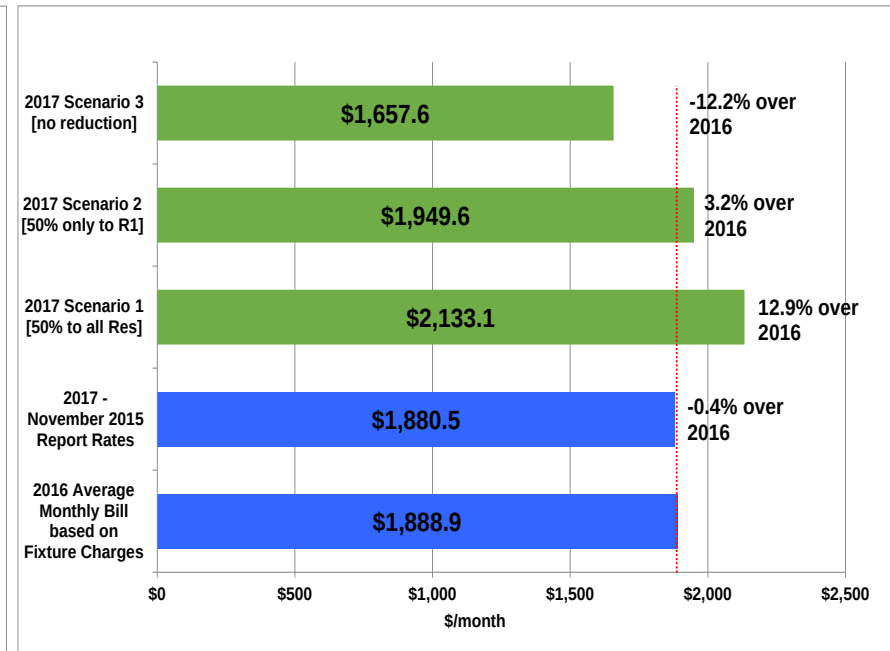


Figure 3.6: Average Non-Residential Sewer Bill [C6 -4" meter size] for 2017 based on Sewer Rate Options



CITY OF PENTICTON

SEWER RATE STRUCTURE REVIEW

SEWER RATE SCENARIO ANALYSIS: AVERAGE MONTHLY BILL COMPARISON

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	2016 Average Monthly Bill based on Fixture Charges	2017 Fixed and Variable Charge based on Water Consumption											
		2017 - November 2015 Report Rates			2017 Scenario 1 [50% to all Res]			2017 Scenario 2 [50% only to R1]			2017 Scenario 3 [no reduction]		
		2017 Average Monthly Bill	Increase over 2016, \$/month	Increase over 2016 (%)	2017 Average Monthly Bill	Increase over 2016, \$/month	Increase over 2016 (%)	2017 Average Monthly Bill	Increase over 2016, \$/month	Increase over 2016 (%)	2017 Average Monthly Bill	Increase over 2016, \$/month	Increase over 2016 (%)
A	B	C	D=C-B	E=C/B-1	F	G=F-B	H=F/B-1	I	J=I-B	K=I/B-1	L	M=L-B	N=L/B-1
Residential													
19mm (3/4 inch)	\$26.9	\$28.3	\$1.3	4.9%	\$27.7	\$0.7	2.7%	\$26.0	-\$0.9	-3.4%	\$29.3	\$2.4	8.8%
25mm (1 inch)	\$134.4	\$82.0	-\$52.3	-38.9%	\$94.7	-\$39.7	-29.5%	\$117.7	-\$16.6	-12.4%	\$101.4	-\$33.0	-24.5%
38mm (1 1/2 inches)	\$268.8	\$147.0	-\$121.9	-45.3%	\$170.3	-\$98.5	-36.6%	\$209.7	-\$59.1	-22.0%	\$181.8	-\$87.0	-32.4%
50mm (2 inches)	\$614.3	\$293.5	-\$320.8	-52.2%	\$337.4	-\$276.9	-45.1%	\$423.3	-\$191.0	-31.1%	\$362.4	-\$251.9	-41.0%
75mm (3 inches)	\$1,277.2	\$479.5	-\$797.7	-62.5%	\$557.5	-\$719.7	-56.4%	\$681.8	-\$595.4	-46.6%	\$593.7	-\$683.5	-53.5%
100mm (4 inches)	\$3,018.2	\$1,089.2	-\$1,929.0	-63.9%	\$1,254.5	-\$1,763.7	-58.4%	\$1,566.7	-\$1,451.5	-48.1%	\$1,345.4	-\$1,672.8	-55.4%
Commercial													
19mm (3/4 inch)	\$55.9	\$45.6	-\$10.3	-18.4%	\$46.9	-\$9.0	-16.1%	\$43.3	-\$12.6	-22.6%	\$37.4	-\$18.5	-33.0%
25mm (1 inch)	\$107.1	\$99.8	-\$7.3	-6.9%	\$114.3	\$7.2	6.8%	\$105.5	-\$1.6	-1.5%	\$91.4	-\$15.7	-14.7%
38mm (1 1/2 inches)	\$162.1	\$184.3	\$22.1	13.6%	\$211.8	\$49.6	30.6%	\$195.8	\$33.7	20.8%	\$170.5	\$8.3	5.1%
50mm (2 inches)	\$381.0	\$313.5	-\$67.5	-17.7%	\$359.5	-\$21.5	-5.6%	\$331.9	-\$49.1	-12.9%	\$287.9	-\$93.1	-24.4%
75mm (3 inches)	\$810.9	\$741.6	-\$69.3	-8.5%	\$848.5	\$37.6	4.6%	\$781.5	-\$29.4	-3.6%	\$675.0	-\$135.9	-16.8%
100mm (4 inches)	\$1,888.9	\$1,880.5	-\$8.3	-0.4%	\$2,133.1	\$244.2	12.9%	\$1,949.6	\$60.7	3.2%	\$1,657.6	-\$231.3	-12.2%
Other													
	\$30.2	\$46.3	\$16.1	53.5%	\$46.3	\$16.1	53.5%	\$46.3	\$16.1	53.5%	\$46.3	\$16.1	53.5%

Note: 2016 includes Sewer Levy.

CITY OF PENTICTON⁶²

SEWER RATE STRUCTURE REVIEW

SEWER RATE SCENARIO ANALYSIS: RATE IMPACTS FOR 2018-2020 YEARS

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For 2018-2020 all customer classes and meter sizes would see rate increases to cover the forecast revenue requirements included in the November 2015 Report [plus recovery of 2015 and 2016 revenue shortfalls].

Under all scenarios all customers would see about 9% bill increases in 2018 and 2019 [reflects recovery of 2015 and 2016 revenue shortfalls, 6%-7% bill increases for 2020.

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SEWER RATE STRUCTURE REVIEW

SUMMARY

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- Single family residential customers:
 - would see average bill increases of approximately 2.7% in scenario 1;
 - average bill decreases of approximately 3.4% in scenario 2; and
 - an increase of 8.8% in scenario 3.
- Other residential customers:
 - would see average bill decreases of 29-58% in scenario 1;
 - average bill decreases of 12-48% in scenario 2; and
 - average bill decreases of 24-55% in scenario 3.
- Commercial customers:
 - Most customers would see increases in the range of 4-31% in scenario 1 [3/4 inch customer would see a decrease of 16% and 2 inch customer would see decrease of 5.6%];
 - Most customers would see decreases in the range of 1.5-23% in scenario 2 [1.5 inch customer would see an increase of 21% and 4 inch customer about 3% increase];
 - under scenario 3 the commercial customer would see decreases in the range of 12-33% while 1.5 inch meter size accounts would see a slight increase [5.1%] due to water consumption variations.

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SEWER RATE STRUCTURE REVIEW

SUMMARY

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- Scenario 1 is not recommended as it leads to large bill decreases for multi-family residential customers who may not have as much large irrigation water use in the summer.
- Scenario 2 recognizes that a substantial portion of summer water use is not returned to the waste water treatment plant and attributes this primarily to single family residential water customers.
- Scenario 3 does not provide any billing adjustments to recognize the water use that is not returned to the waste water treatment facility.
- It is recommended that the City implement the rates calculated in Scenario 2.

SUMMARY RECOMMENDATIONS

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- Revise rates for 2017 to 2020 to recover 2015 and 2016 revenue shortfalls.
- Adopt the rates presented in Scenario 2 for 2017 to 2020 that provides a 50% discount to residential 3/4" meter customers.
- Continue with other recommendations in the November 2015 utility rate review report including:
 - Review rates as part of annual budgeting process to address any unexpected costs or changes in revenues.
 - Conduct a detailed review of revenues and costs after three years (i.e. in time to adjust rate proposals for 2019 if necessary)

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SEWER RATE STRUCTURE REVIEW

SUMMARY: SCENARIO 2 RECOMMENDED RATES

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2016 Existing Fixtures Charges			2017 Rate Option		2018 Rate Option	
Not Exceeding Six Fixtures, \$/year	In Excess of Six Fixtures, \$/year/fixture [for each additional fixture]		Monthly Fixed Charge, \$/month/cust.	Variable Charge, \$/100 cubic feet	Monthly Fixed Charge, \$/month/cust.	Variable Charge, \$/100 cubic feet
19mm (3/4 inch)	\$153.38	\$27.96	\$13.00	\$2.22	\$14.14	\$2.43
25mm (1 inch)	\$153.38	\$27.96	\$32.50	\$2.22	\$35.35	\$2.43
38mm (1 1/2 inches)	\$153.38	\$27.96	\$65.00	\$2.22	\$70.71	\$2.43
50mm (2 inches)	\$153.38	\$27.96	\$104.00	\$2.22	\$113.13	\$2.43
75mm (3 inches)	\$153.38	\$27.96	\$227.50	\$2.22	\$247.47	\$2.43
100mm (4 inches)	\$153.38	\$27.96	\$409.50	\$2.22	\$445.45	\$2.43
Fixed Rate - No Water, Sewer Area						
Single Family			\$26.00		\$28.28	
Multi Family Residential			\$37.00		\$40.25	
Commercial			\$87.00		\$94.64	
Industrial			\$591.00		\$642.89	
All Other Properties			\$87.00		\$94.64	
Septic/Not Connected			\$13.83		\$15.04	
Septic/Not Connected Annual Flat rate			\$165.96		\$180.53	

2019 Rate Option		2020 Rate Option	
Monthly Fixed Charge, \$/month/cust.	Variable Charge, \$/100 cubic feet	Monthly Fixed Charge, \$/month/cust.	Variable Charge, \$/100 cubic feet
19mm (3/4 inch)	\$15.38	\$2.65	\$16.73
25mm (1 inch)	\$38.46	\$2.65	\$41.83
38mm (1 1/2 inches)	\$76.91	\$2.65	\$83.67
50mm (2 inches)	\$123.06	\$2.65	\$133.87
75mm (3 inches)	\$269.20	\$2.65	\$292.84
100mm (4 inches)	\$484.56	\$2.65	\$527.10
Fixed Rate - No Water, Sewer Area			
Single Family	\$30.77	\$33.47	
Multi Family Residential	\$43.78	\$47.63	
Commercial	\$102.95	\$111.99	
Industrial	\$699.33	\$760.73	
All Other Properties	\$102.95	\$111.99	
Septic/Not Connected	\$16.37	\$17.80	
Septic/Not Connected Annual Flat rate		\$213.62	

QUESTIONS

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- Questions?

Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: **Fees and Charges Amendment Bylaw No. 2016-25**

File No:

Staff Recommendation

THAT Council receive the May 2, 2016 presentation by Andrew McLaren of Intergroup Consultants Ltd. on Sanitary Sewer Rates;

AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw 2016-25", a bylaw to amend Fees and Charges Bylaw 2014-07 to set new Sanitary Sewer rates and fees;

AND FURTHER THAT staff use the remainder of 2016 to educate customers as to the implications on the new sanitary sewer rate structure.

Strategic priority objective

Providing for fair and sustainable sanitary sewer rates.

Background

On December 16, 2015 Council passed resolution 602/2015 which adopted Bylaw 2015-60, a bylaw to amend Fees and Charges Bylaw 2014-07 to set a five year rate structure 2016 – 2020 for electrical, sanitary sewer and water. The new utility rates included a new mechanism to charge for sanitary sewer based on water use. The existing sanitary sewer charges are based on a fixture count and a sewer tax. The new sanitary sewer charges are based on a fixed charge based on water service size and a variable charge based on the volume of water used. The new sanitary sewer rate was not expected to come into play until 2017. This would allow 2016 to be used to educate customers on the changes that they could expect to see in their sanitary sewer charges.

In the first quarter of 2016 staff undertook a detailed look at water and sanitary sewer charges on a customer by customer basis, some 17,000 customers, to gain a clearer understanding of the impact of the new sanitary sewer rates.

This work lead to the following observations being made:

- There are more residential customers with large meter sizes than first assumed (larger meter sizes were assumed to be commercial industrial users)
- The application of the 50% reduction in summer water volumes used to calculate sanitary sewer charges for residential accounts lead to a large reduction in revenues from multi-family residential accounts (This is not reasonable as these accounts would have little to no lawn)
- Revenue predictions are lower than actual (\$200,000 per year)

In order to correct these issues three additional sanitary sewer rate scenarios were run:

Scenario 1 – billing based on 50% of summer water consumption to all residential.

Scenario 2 – billing based on 50% of summer water consumption to R1 $\frac{3}{4}$ " water meter size.

Scenario 3 – no reduction all customers pay for sanitary sewer based on 100% water usage.

The review of the scenario findings indicates that Scenario 2 would be the best scenario for sanitary sewer rates. Based on this it is proposed to amend the Appendix 25 - Sanitary Sewer Charges of Fees and Charges Bylaw 2014-07 and move forward with customer education based on the new rates.

Financial implication

The proposed changes to the Sanitary Sewer Fees will create a more equitable sanitary sewer rate and will help ensure that the City is collecting the revenue required to operate the sanitary sewer utility.

Analysis

The City undertook a more detailed look at sanitary sewer charges based on water consumption and determined that changes to the rate structure are required. After analysis of three alternatives it was determined that changes to the Appendix 25 – Sanitary Sewer Charges were in order to more equitably have customers pay their share of sanitary sewer costs and to bring in the required revenue to operate the utility.

Alternatively should Council choose they could send the matter back to staff with direction.

Alternate recommendation(s)

Alternative 1

THAT Council send the matter back to staff with direction.

Attachments

Attachment "A" – Fees and Charges Amendment Bylaw No. 2016-25

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA

General Manager of Infrastructure
City of Penticton

Approvals

Chief Financial Officer 	Chief Administrative Officer 
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Bylaw No. 2016-25

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2016-25".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendix in its entirety:

- Appendix 25 – Sewer Connection Charges

2.2 Appendix 25 attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2016

READ A SECOND time this day of , 2016

READ A THIRD time this day of , 2016

ADOPTED this day of , 2016

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 25						
	2015	2016	2017	2018	2019	2020

Sanitary Sewer Fixture Charges

A minimum annual charge which includes plumbing fixtures not exceeding six (6) in number	\$141.00	\$153.38				
Each plumbing fixture exceeding six (6) in number	\$25.70	\$27.96				
Such charges to be effective immediately upon the expiration of 180 days (60 days in the case of a renovated building) from the date of validation of the building permit, provided however, that this amount may be pro-rated from the effective date to December 31 of the year in which the building is built or renovated.						
An extension to the 180 day period will be considered providing the builder applies in writing to Building & Licence Division prior to the expiration of the 180 day period. Should a request come from a builder after the expiration of the 180 day period, an extension may still be granted upon payment of an administration fee:						
First Unit	\$15.00	\$16.00				
Each additional Unit in the same complex	\$5.00	\$6.00				

Extensions are only to be granted in multiples of 30 days, ie 30, 60, 90 days.

Sanitary Sewer Charges based on Treated Water Use

Monthly Fixed Sanitary Sewer Rates Based on Water Meter Size

13mm / 16mm / 19mm (1/2 inch, 5/8 inch and 3/4 inch /month)			\$15.41-\$13.00	16.76-\$14.14	19.91-\$15.38	21.66-\$16.37
25mm (1 inch) / month			25.69 \$32.50	27.94 \$35.35	33.19 \$38.46	36.1 \$41.83
38 mm (1 1/2 inches) / month			51.37- \$65.00	55.88-\$70.71	66.38-\$76.91	72.2-\$83.67
50 mm (2 inches) / month			82.19-\$104.00	89.41-\$113.13	106.2-\$123.06	115.53-\$133.87
75 mm (3 inches) / month			179.80 \$227.50	195.59 \$247.47	232.32-\$269.20	252.71-\$292.84
100 mm (4 inches) / month			323.64-\$409.50	352.05-\$445.45	418.17-\$484.56	454.88-\$527.10

PLUS Variable Sanitary Sewer Generation Charge based on Water Use for all Meter Sizes

Variable Consumption Charge / 2.83 cubic meters (100 cubic feet)			~~2.23~~ -\$2.22	~~2.45~~ -\$2.43	~~2.52~~ -\$2.65	~~2.77~~ -\$2.80
For Summer (April to September) for Residential Properties use 50% of the water use times the Variable Consumption Charge						
For Winter (October to March) for Residential Properties use 100% of the water use times the Variable Consumption Charge						
For Non Residential Properties use 100% of the water use times the Variable Consumption Charge						

Appendix 25						
	2015	2016	2017	2018	2019	2020
Non Residential Customers may approach the City for a reduction in the % of water use to account for business practices that create a large discrepancy between water use and sewage generation.						
Sanitary sewer charges no water meter or no water service (per month)						
Fee based on property zoning as follows:						
For properties zoned Single Family Residential			\$26.00	~~\$27.00~~ -\$28.28	~~\$32.00~~ -\$30.77	~~\$35.00~~ -\$33.47
For properties zoned I Multi Family Residential			\$37.00	~~\$39.00~~ \$40.25	~~\$44.00~~ -\$43.78	~~\$48.00~~ \$47.63
For properties zoned Commercial			\$87.00	~~\$97.00~~ -\$94.64	~~\$118.00~~ -\$102.95	~~\$127.00~~ -\$111.99
For properties zoned Industrial			\$591.00	~~\$666.00~~ -\$642.89	~~\$822.00~~ -\$699.33	~~\$933.00~~ -\$760.73
For all other properties			\$87.00	~~\$97.00~~ -\$94.64	~~\$118.00~~ -\$102.95	~~\$127.00~~ -\$111.99
Sanitary sewer charges based on a negotiated agreement	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council	Fee to be as per the agreement approved by Council
Minimum flat rate charge for sanitary sewer for properties adjacent to a sanitary sewer main but not connected.	\$141.00 per year	\$153.00	\$166.00	\$168.00	\$170.00	\$179.00
Permit to Discharge	\$231.00	\$244.00				
Evaluation of restricted wastes of over strength matter	Actual cost	Actual cost				
Over strength B.O.D. charge (over 300 mg/l)	\$0.45/kg	\$0.48/kg				
Over strength C.O.D. surcharge (over 600 mg/l)	Fee to be developed	Fee to be developed				
Over strength oil and grease surcharge (over 100 mg/l)	\$0.203/kg	\$0.214/kg				
Over strength phosphorous surcharge (over 10 mg/l)	Fee to be developed	Fee to be developed				
Over strength total suspended solids surcharge (over 300 mg/l)	\$0.46/kg	\$0.49/kg				

Septic Waste Receiving Facility Rate - Tipping Fee

Tipping Fee for receiving septic waste	\$33.50 per cubic meter	\$35.00 per cubic meter				
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Sanitary or Storm Sewer Service Connections

(a) 100mm (4") sanitary or storm sewer service and connections	\$2,709.00	\$3,500.00				
(b) Two – 100mm (4") sanitary or storm sewer service and connections installed in the same trench	\$3,150.00	\$4,100.00				
(c) All other sanitary or storm sewer and service and connections	Actual Cost	Actual Cost				

Appendix 25						
	2015	2016	2017	2018	2019	2020
(d) When winter conditions prevail or hot mix asphalt is not available, if installation is to proceed, add \$525.00 each to the estimated and flat rate costs for service provided by the city that requires excavation.	\$525.00	\$550.00				
(e) Repair of service failure or interruption	Actual Cost	Actual Cost				
(f) Winter Trench Repair maintenance	\$441.00	\$450.00				
(g) Reconnecting to a capped sewer service - No work by City - Reconnection Fee Only	\$210.00	\$220.00				
(h) Sanitary or Storm Sewer Service Video Inspection	\$171.00	\$174.50				
In the event problem is determined to be caused by the City or the responsibility of the City all associated costs shall be applied to the City.						

Other:

(a) Service inspection of an irrigation water service, treated water service, sanitary sewer service and storm sewer service.	\$163.00	\$166.00				
(b) Termination of an irrigation water service, treated water service, sanitary sewer service and storm sewer service	\$1,575.00	\$1,675.00				
(c) Service calls regarding water service, treated water service, sanitary sewer service and storm sewer service	Actual Cost	Actual Cost				

Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I
Address: 402 Eckhardt Avenue West
Subject: **Development Variance Permit PL2016-7623**

File No: PL2016-7623

Staff Recommendation

THAT Council deny the request to vary the exterior side yard setback from 3.0m to 1.3m, for the property located at 402 Eckhardt Avenue West in order for the applicant to construct a carriage house and garage structure;

AND THAT Council approve "Development Variance Permit PL2016-7623", for Parcel A (being a consolidation of lots 1 and 2, see CA4990473), Block B, District Lot 4, Group 7, Similkameen (Formerly Yale-Lytton) Division Yale District, Plan 930, located at 402 Eckhardt Avenue West, a permit to reduce the rear yard setback from 1.5m to 0.6m from the rear lot line, in order for the applicant to construct a carriage house and garage structure.

Background

The subject property (Attachment 'A') is a single-family home located in a low-density area of the city surrounded, primarily, by other single-family houses. The lot is zoned R2 (Small Lot Residential).

A single car garage currently sits on the south east corner of the property. The applicant intends to replace this existing building with a new two car garage and place a carriage house as a second storey. In order to maximize yard space, the applicant is applying to reduce the exterior side yard setback from 3.0m to 1.3m and the rear yard setback from 1.5m to 0.6m.

Proposal

The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw 2011-23:

- Section 8.8.4.5: Reduce the minimum exterior side yard setback for a carriage house on an R2 lot from 3.0m to 1.3m; and
- Section 8.8.4.5: Reduce the minimum rear yard setback for a carriage house on an R2 lot from 1.5m to 0.6m

Financial Implication

N/A

Technical Review

The Technical Planning Committee reviewed the application and requested variances and has expressed concerns with the side yard setback relaxation. Specifically, the Engineering Department noted that the garage doors coming off Latimer Street would pose a potential safety hazard with respect to vehicles waiting for the garage doors to open and potential interference with traffic flow turning right off Eckhardt Avenue. The concern also applies to backing out of the garage. Traffic turning right off Eckhardt Avenue will be challenged to see a vehicle backing out of the garage, especially if other vehicles are parked along Latimer Street on the west side, between the garage and Eckhardt Avenue. For this reason, the Planning Department does not support this specific variance request.

No issues were raised relating to the rear yard setback reduction.

Analysis

Approve Staff Recommendation

The application for a reduction to the side-yard setback is not supported by the Planning Department. As is highlighted in the 'Technical Review' section above, there are a number of safety concerns with respect to the new building's proposed siting, sufficient to generate concerns over highway safety. The Engineering Department considers that, by pushing the building back to the required setback, it would create a 4.5m waiting area for vehicles entering the garage, mitigating this highway safety concern. This space is created by the 3.0m setback with an additional 1.5m between the street and the side property line (Attachment 'C').

The application for the rear-yard setback reduction, however, is supported by the Planning Department. The reduction from 1.5m to 0.6m is a reasonable request given limited yard space and the applicant's desire to maximize the land available to them. The reduction is not expected to have any negative effect on neighboring properties, given the presence of the lane, providing adequate separation between this site and properties to the south.

Although the Planning Department is sympathetic to the applicant's desire for maximizing yard space, staff does not consider that approving a variance which, in turn, could cause a safety hazard, is appropriate. Given the above, staff recommend that Council deny the application for an exterior side yard variance, but approve the application for a rear yard variance.

Alternate recommendations

1. THAT Council amend "Development Variance Permit PL2016-7623" to include a reduction of the exterior side yard setback from 3.0m to 1.3m, in addition to the rear yard setback reduction from 1.5m to 0.6m, thereby approving the applicant's request.
2. THAT Council deny the request for a variance to the exterior side yard from 3.0m to 1.3m and deny "Development Variance Permit PL2016-7623", a reduction of the rear yard setback from 1.5 to 0.6m.

Attachments

Attachment A – Subject property location map

Attachment B – Zoning map

Attachment C – Images of the property

Attachment D – Letter of Intent

Attachment E – Draft DVP

Respectfully submitted,

Lindsey Fraser

Planner I

Approvals

Director JGH	Chief Administrative Officer ES
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Attachment A – Subject Property Location Map



Figure 1: Subject property highlighted in blue

Attachment B – Zoning Map



Figure 2: Subject property zoned R2 (Small Lot Residential)

Attachment C – Images of the Property



Figure 3: Close-up aerial picture of subject property (2013)



Figure 4: Looking west at subject property



Figure 5: Looking north at west side of subject property

Attachment D – Letter of Intent

Letter of Intent for Development Variance Permit Application-
Property: 402 Eckhardt Avenue West

Good day Staff & Council, please consider this letter with our application for a variance for our property at 402 Eckhardt avenue West. Our family is looking to seek a variance in order to build a Garage Carriage-house on our existing property and to allow for maximum property usage. We have owned this property for a little over 10 years now and have always hoped to build a garage at some point. As our discussions progressed we became increasingly interested in the prospect of a Carriage-house also. As the need for rentals in Penticton increases coupled with our relative proximity to the SOEC, Okanagan College and Downtown we believe, if approved, that this would be a good opportunity for our family and a good fit geographically.

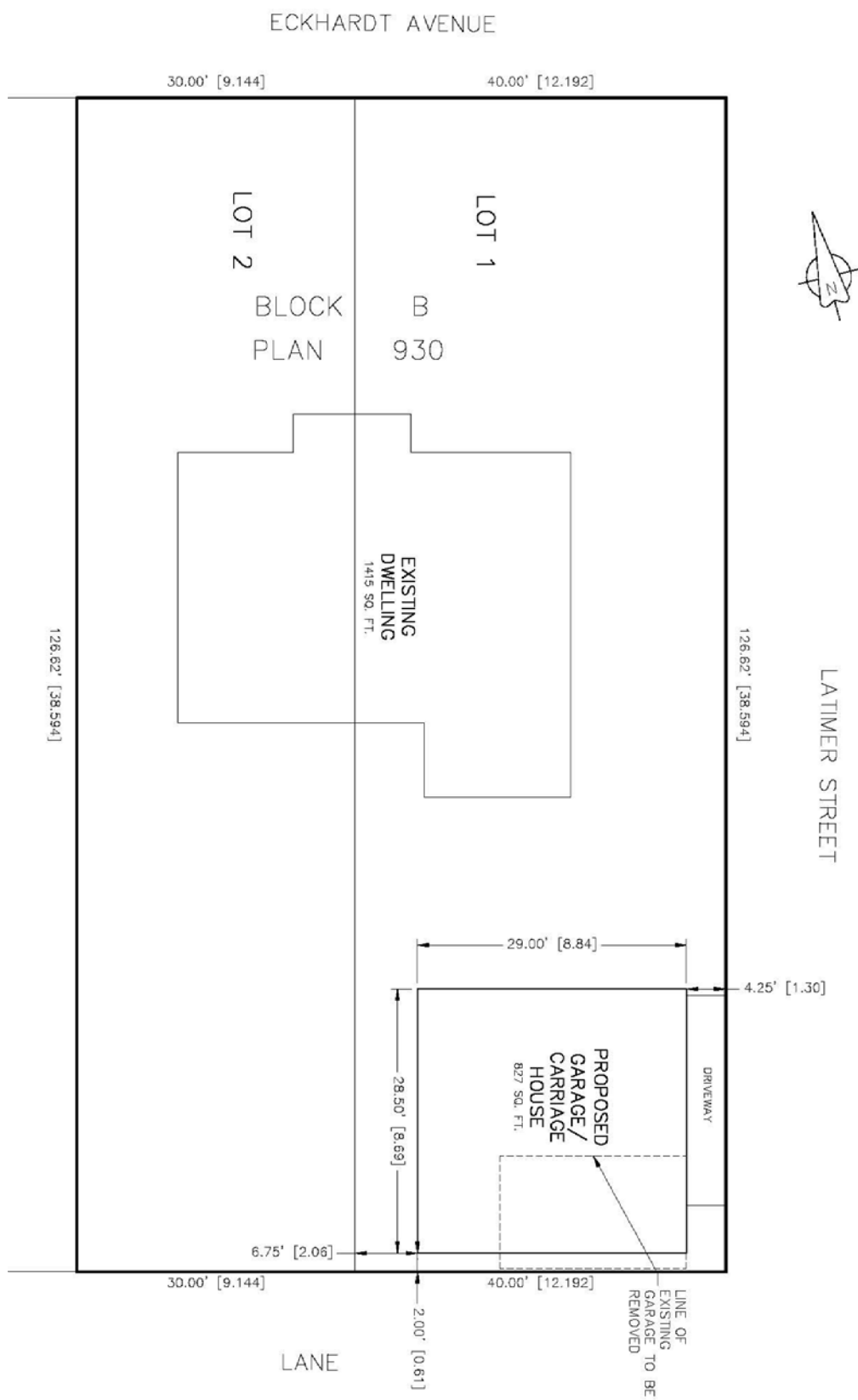
We are asking for the variance in order to have the building located on the property as close as possible to the where the current single car garage, which was built at the same time as the house, is located. As the front of house was originally built set back significantly from Eckhardt Avenue we are hoping that a Development Variance, if approved, would allow us to utilize as much green space as possible in the back yard. As has been the case during our ownership of this property we utilize the rear of the house as the main entrance due to accessibility and the busyness of Eckhardt, as such we are looking to avoid having the Garage Carriage-House any closer than necessary to our residence and main entrance.

In considering this application we endeavored to remain cognizant of any potential concerns that may arise, as such we have taken steps to reduce the proximity of the garage doors to the alley by locating the entrance to the Carriage-house on the south side. By doing so we were able to move the edge of the first garage door away from the alley by over 9'. We have made and will continue to make efforts to ensure that this new building compliments our residence and maintains the character that our home's recently upgraded exterior provides. By tailoring the roof and exterior design to that of our own residence we believe that it will tie in nicely with the existing property and the existing properties located nearby.

The Seddon family appreciates your time and consideration for this project.



Attachment E – Site Plan and Elevation Drawings





March 24, 2016

To whom it may concern;

I have reviewed the plans and the variances that Jason Seddon has applied for, for the property at 402 Eckhardt Avenue West, please find my signature and address below in support of the Seddon families' application.

Name:

Signature:

Address:

1. Himi Sheitoyan Himi Sheitoyan 403 - Woodruff Ave.
2. Eric Wilson Eric Wilson 415 Wood Ruff
3. Donald J. Koponyas Donald J. Koponyas 424 Eckhardt Ave W
Piedmont, N.C.
4. BONNIE MALCOLM Bonnie Malcolm 396 ECKHARDT AVE W
5. Russell Stasim Russell Stasim 798 Latimer St

Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I
Address: 124 McConnachie Place
Subject: Development Variance Permit PL2016-7628

File No: DVP PL2016-7628

Staff Recommendation

THAT Council approve "Development Variance Permit PL2016-7628" for Lot 10, District Lot 188, Similkameen Division Yale District, Plan 41924, located at 124 McConnachie Place, a permit to decrease the minimum front yard setback from 6.0m to 3.2m, for the extension of a garage with second storey deck;

AND THAT staff be directed to issue "Development Variance Permit PL2016-7628".

Background

The subject property (Attachment 'A') is located in a low density, residential area of the city and is zoned R1 (Large Lot Residential). In this zone, the required front yard setback is 6.0m in order to ensure adequate buffering between the street and house. In this case, the applicant is proposing a variance from 6.0m to 3.2m in order to extend the attached garage forward by 6.0m. The garage is proposed to have a second storey deck on the rooftop.

If the application for the variance proves successful, the garage will be approximately 8.5m from the back of the curb. This is a combination of the 3.2m setback plus an approximately 5.3m boulevard area which contains no sidewalk.

Proposal

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw 2011-23:

- Section 10.1.2.5: Reduce the minimum front yard setback of a principle building from 6.0m to 3.2m

Financial Implication

N/A

Technical Review

The Technical Planning Committee has reviewed the subject application and do not recommend any requirements prior to Development Variance Permit approval. If the request for the variance is successful, the applicant will have to show conformity to the requirements of the BC Building Code prior to building permit approval.

Analysis

Approve

When reviewing an application for variance, staff considers the following: the confines of the property, if the request will have a negative impact on properties and if the request is reasonable. Although there is no apparent property constraint that necessitates construction in advance of the setback line, staff view the request as reasonable for the following reasons:

- The extension of the garage will not have a significant impact on the 'building line' of the neighbourhood (the building line is interpreted as the line at which all properties are setback from the street). Given that the property is on the edge of a cul-de-sac and there is a sidewalk on only one side of the street, the building line is not linear;
- The garage will be more than 8.0m from the back of the curb (far in excess of many urban properties) and the garage will allow the property owner to mitigate the outside storage of vehicles; and
- In addition to the distance from the curb to the proposed garage extension, staff also considered the magnitude of the variance request in relation to the total area of the extension. Approximately 30% of the new garage and deck structure will encroach into the Bylawed setback area, the larger part of construction will be in excess of 6.0m from the property line.

Staff are also supportive of the applicant's desire to construct a deck on top of the new garage. The Planning Department encourages more 'active' frontages and utilization of front yards, thereby stimulating neighbourhood interaction and supporting "eyes on the street", encouraging informal observation of neighbourhood activities.

Given the above, staff considers that the request is reasonable and recommends that Council support the variance and direct staff to issue the permit

Deny

Council may consider that the request is not justified given the size of the property. If that is the case, Council should deny the variance.

Alternate recommendations

THAT "Development Variance Permit PL2016-7628" be approved with certain conditions.

Attachments

Attachment A – Subject property location map

Attachment B – Images of the property

Attachment C – Letter from applicant
Attachment D – Draft DVP

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Director JGH	Chief Administrative Officer ES
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Attachment A – Subject Property Location Map

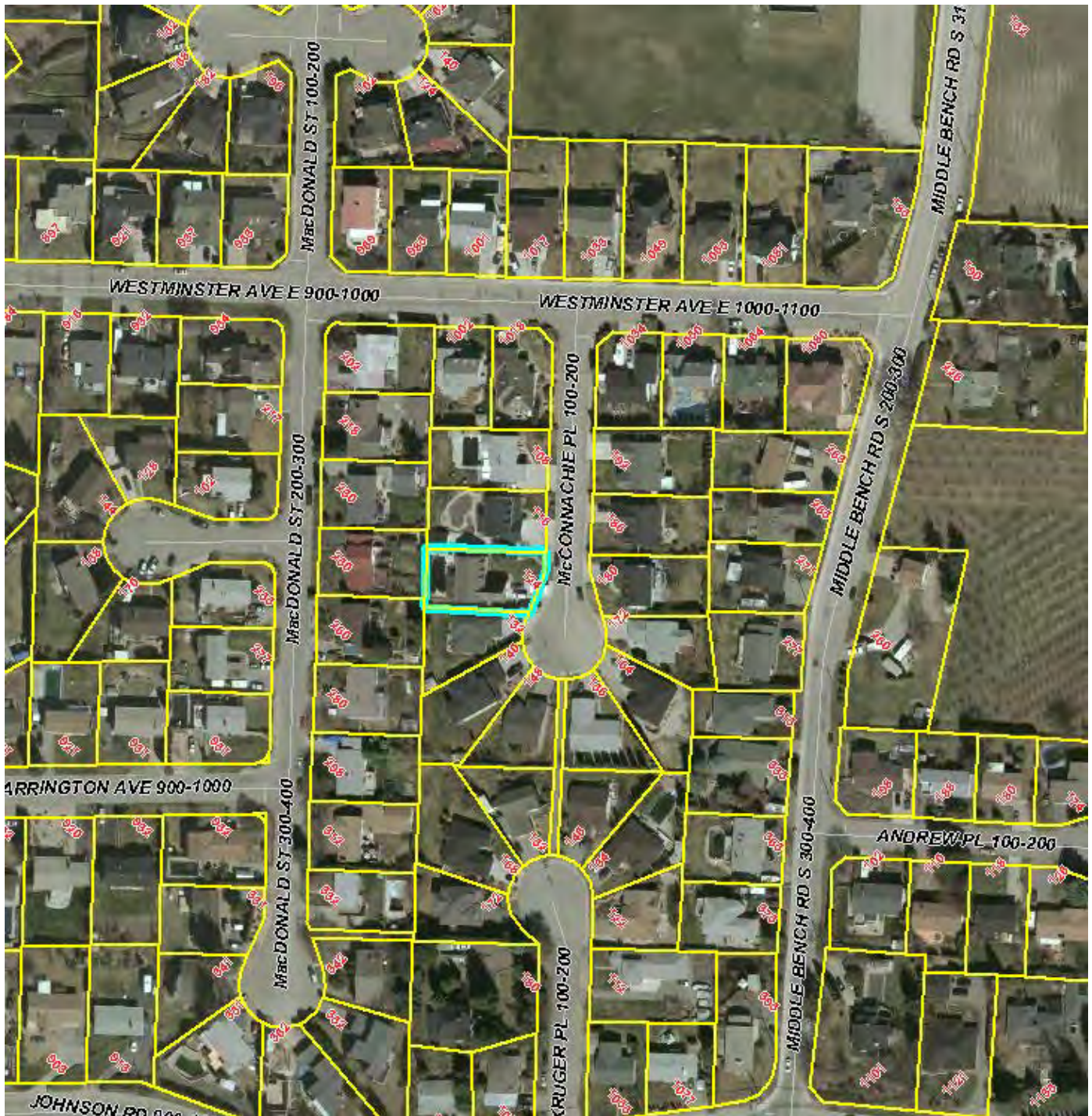


Figure 1: Subject property highlighted in blue

Attachment B – Images of the Property

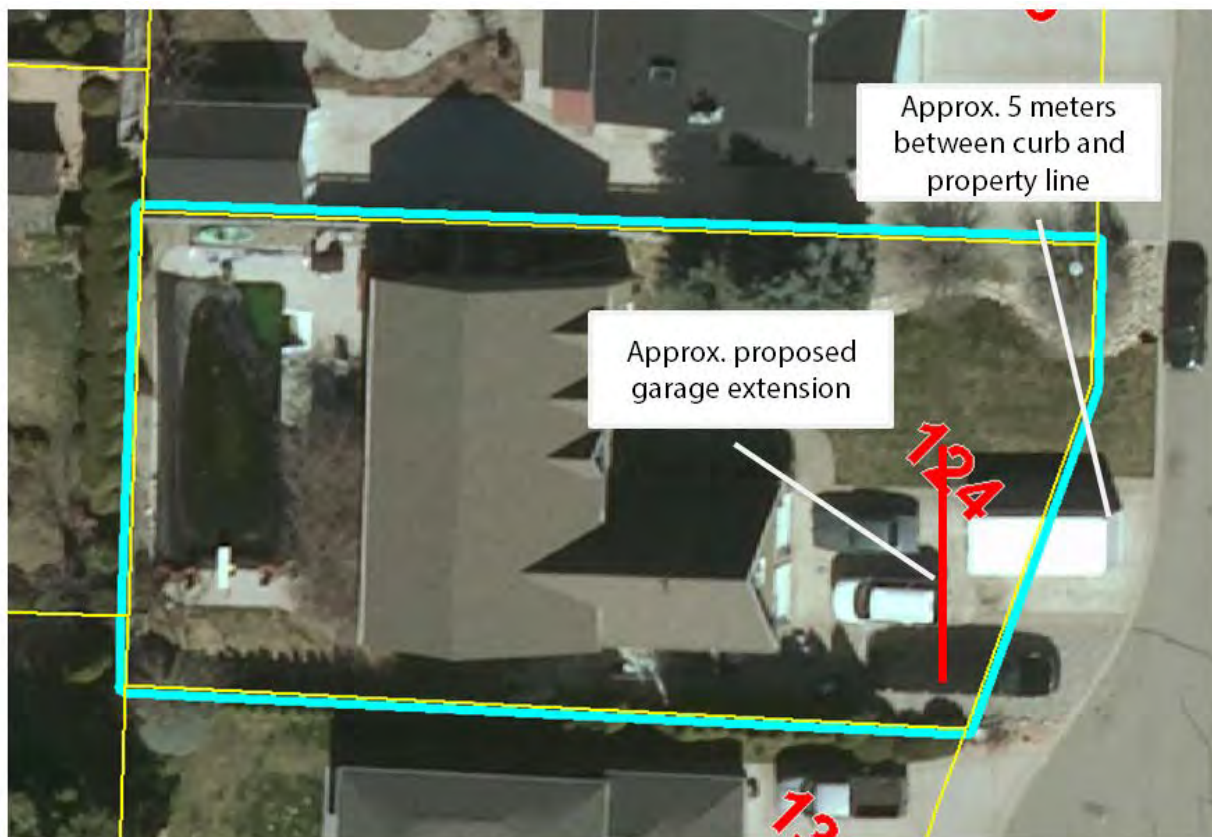


Figure 2: Close-up aerial of subject property showing approximate location of new front-of-garage



Figure 3: Looking west at property from McConnachie Place



Figure 4: Looking north west at subject property

Attachment 'C' – Letter from the Applicant

Date: March 8, 2016

To: **City of Penticton (Planning and Land Use)**

From: Dean Widney and Karen Widney

Subject: **124 McConnachie Place Development Variance- Letter of Intent**

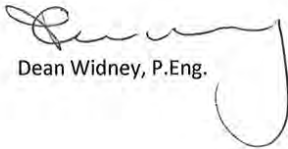
Dear Sir/Madame;

My wife Karen and I would like to add a 20 ft. (6.096 meters) extension on to our existing garage along with a deck above the suggested 20 ft. extension. We are proposing this extension for the following reasons;

- 1) The garage extension along with the deck (the project) will add value to our current property value.
- 2) The project will increase the usability of our living, working and storage space on our property.
- 3) The project would allow for more vehicles to be hidden from public or the neighbor's view.
- 4) The 20 ft. extension when complete would approximately be no closer to the McConnachie street, when compared to our immediate neighbors to the North (Lot 11 Plan 41924).
- 5) The deck and its use above the garage would add to a friendly neighborhood feeling within the McConnachie Place region.
- 6) 20 ft. (6.096) minimum is required to allow for two (2) cars deep to be parked in the garage and also allow space to walk around the front and back of the vehicles.
- 7) At least two (2) neighbors around the corner on Westminster have 2nd storey decks visible from the street.
- 8) The design of the proposed project will add appeal to the home and the neighborhood in general.

I trust the project will meet with your approval and I look forward to hearing from you in the near future.

Yours truly,



Dean Widney, P.Eng.



Karen Widney



Attachment D – Draft DVP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: PL2016-7628

Name
Address I

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 10, District Lot 188, Similkameen Division Yale District, Plan 41924
Civic: 124 McConnachie Place
PID: 014-988-330
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 10.1.2.5 of Zoning Bylaw 2011-23 to allow for a garage to locate 3.2m from the front property line, as shown in the plans attached in Schedule A.

General Conditions

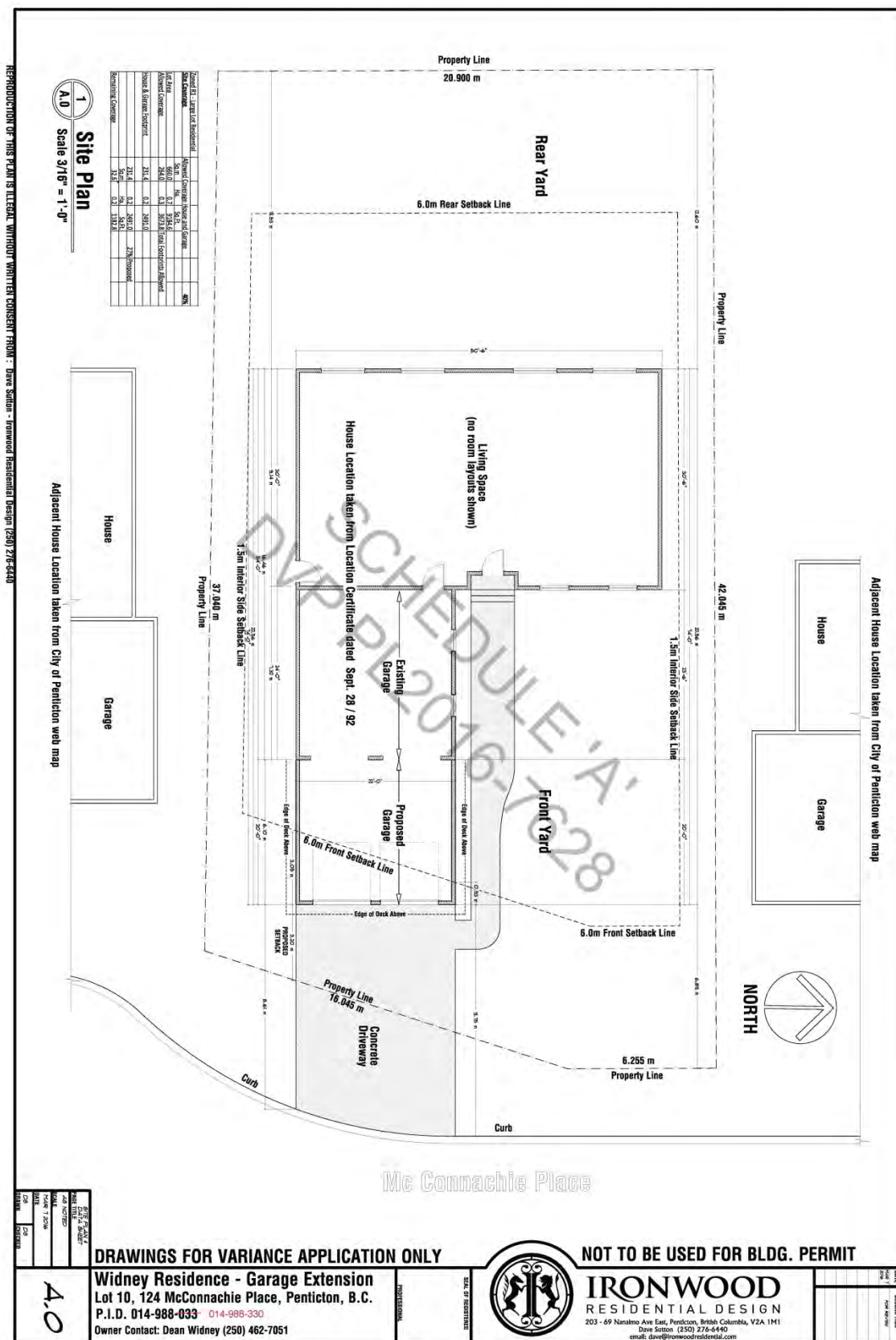
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

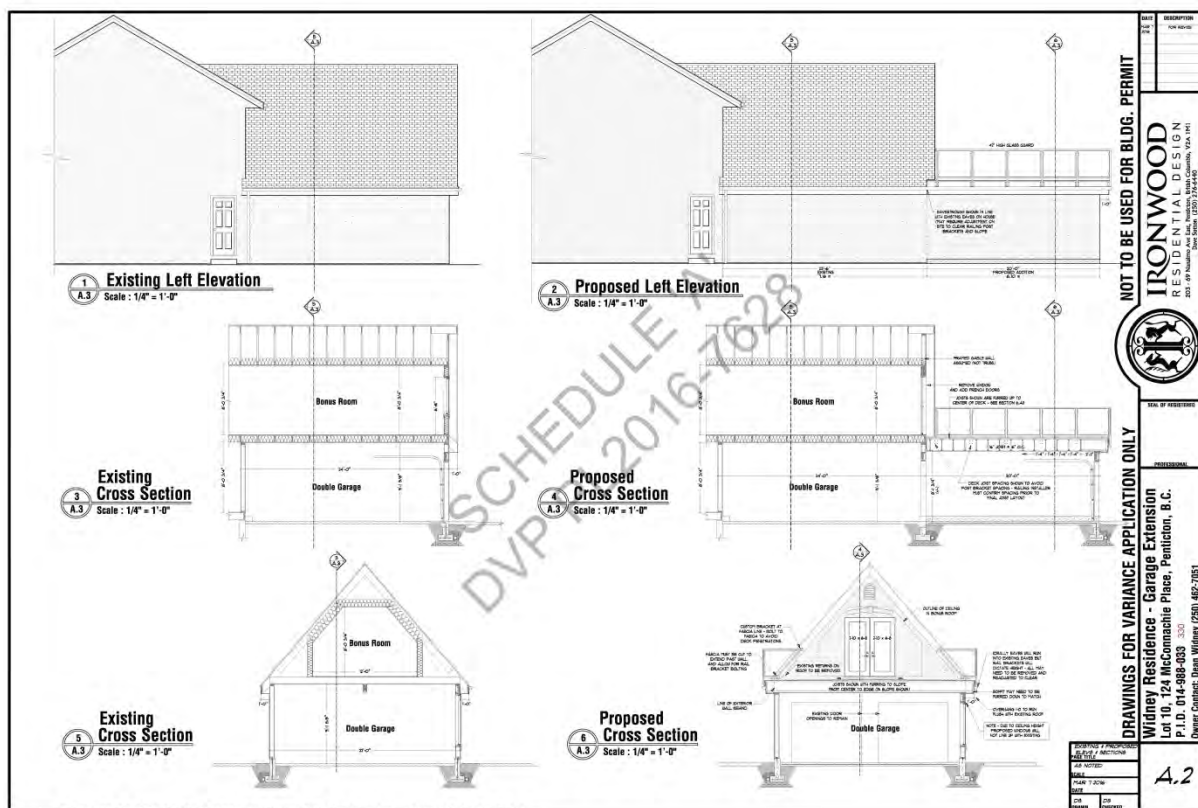
Authorized by City Council, the _____ day of _____, 2016

Issued this _____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Page 2 of 2





Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 508 Braid Street
Subject: Development Variance Permit PL2016-7616

File Nos: DVP PL2016-7616

Staff Recommendation

THAT Council approve "Development Variance Permit PL2016-7616" on Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP896713, located at 508 Braid Street, a development variance permit to allow for a front yard setback reduction from 4.5m to 3.5m and a reduction from 1.5m to 1.2m for a front to back maintained access to basement suites;

AND THAT staff are directed to issue the Development Variance Permit PL2016-7616.

Strategic priority objective

The project will increase the residential density in a downtown peripheral area in-line with the City's Downtown Plan.

Background

The subject property, located at 508 Braid Street, is a vacant lot with an area of 0.092 acres (372m²). The property is designated as MR – Medium Density Residential in the City's Official Community Plan and is currently zoned RD2 - Duplex Housing: Lane in Zoning Bylaw 2011-23. The property is bordered by duplexes to the North and South and by an apartment building to the West

This is an area of the city that features a number of other duplex developments. The site is located on the periphery of the downtown core and the proposed development will assist in achieving increased residential densities in a sustainable location, close to downtown.

This Development Variance Permit application is for a reduction in the front yard setback from 4.5m to 3.5m to efficiently utilize the site and maintain some private amenity space for each unit, while complying with current standards to provide all parking at the rear. The developer is also proposing to build a secondary suite in each unit. In the case where there is a dwelling unit facing the lane, the zoning bylaw requires a clear 1.5m unobstructed access from the front of the property to the back units. This requirement enables firefighting access and deliveries to the back units. The developer is proposing a 1.2m access, a 0.3m reduction to accommodate the side stair case for the entrance to the secondary suites. The City's Fire Chief

has confirmed that the fire department supports the variance request and that, in this instance, there is adequate provision for front to rear access.

Proposal

The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw 2011-23:

- Section 10.6.2.6: Decrease the minimum front yard setback from 4.5m to 3.5m
- Section 10.6.3.4 Decrease the unobstructed and maintained access from 1.5m to 1.2m

Technical Review

This application was forwarded to the City's Technical Planning Committee on March 17th, 2016. No issues were raised by TPC. As this property is vacant City services will need to be installed, including water and sanitary sewer. Sizing for those services will be done at the BP stage of the project.

Development Statistics

The following table outlines the proposed development statistics for the proposal.

Item	Requirement RD2 Zoning	Provided on Plans
Minimum Lot Size:	390 m ²	372m ² (no variance required as the lots are already in existence)
Maximum Lot Coverage:	40%	35%
Maximum Density:	0.95 FAR	0.63FAR
Vehicle Parking:	4 spaces required	4 spaces provided
Required Setbacks Front yard: Side yard (north): Side yard (south): Rear yard (Lane):	4.5m 1.5m 1.5m 6.0m	3.5m (Variance required) 1.5m 1.2m (Variance required) 9.8m
Maximum Building Height:	10.5m	9.3m
Other Information:	Property is in the General Multiple Development Permit Area and duplex developments are exempt	

Financial implication N/A

Analysis

Approve

When considering a variance to a City bylaw, staff encourages Council to be mindful of any hardship on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties; and if the variance request is reasonable. The applicant is requesting a 1.0m front setback reduction. As with other infill projects throughout the City, it is often

difficult to build within required setbacks on lots that were originally intended for a different form of development. The reduced setback is requested in order to place all the required parking at the rear. Similar variances have been recently granted on Braid Street in order to facilitate other duplex developments, allowing buildings to be closer to the sidewalk. Staff does not consider that, given the magnitude of the variance requested, that there will have an adverse impact on neighbouring properties.

The applicant is also requesting a 0.3m reduction in the required pedestrian path access to the back units. In assessing this variance request, staff consulted the City's fire department. The Fire Chief has confirmed that the proposed development does provide adequate front to rear access.

The two variances being applied for are not considered to pose any adverse impacts on neighbouring properties. Staff considers that the development will make an overall positive contribution to the rest of the neighborhood. Given the above, staff considers that the request is reasonable and recommends that Council support the variances and direct issuance of the permit.

Deny/ refer

Council may consider that the variances requested would result in a negative impact on the residential neighborhood. If this is the case, Council should deny the proposed variances. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternative Recommendations

1. THAT Council refer "Development Variance Permit DVP PL2016-7616" back to staff to work with the applicant on an alternative design.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP and Zoning Maps
Attachment C:	Images of Subject Property
Attachment D:	Letter of Intent
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	DVP

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director JGH	Chief Administrative Officer ES
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map

Attachment B - Zoning Map

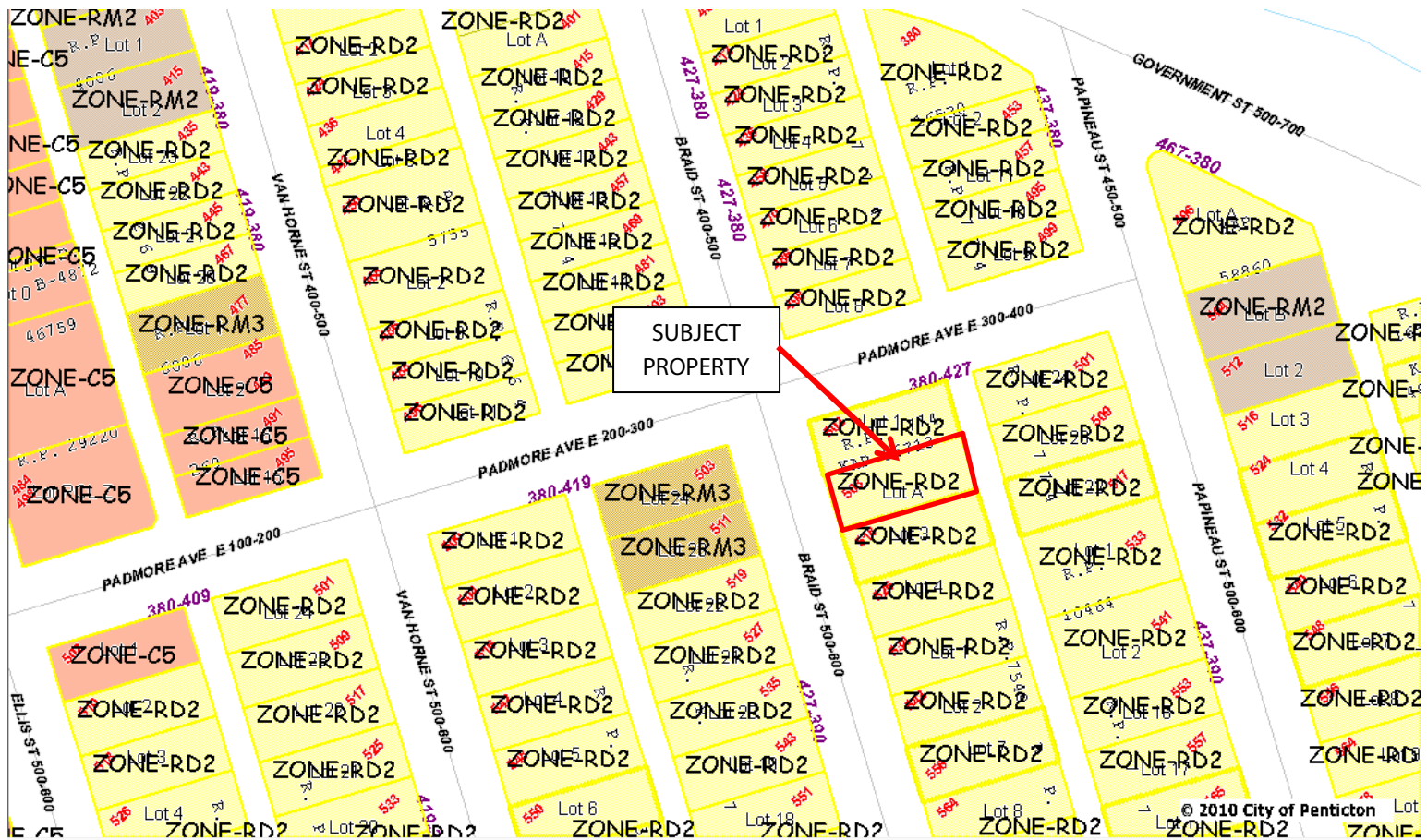


Figure 3: Zoning Map

Attachment C - Images of the Subject Property



Figure 4: View on Braid St

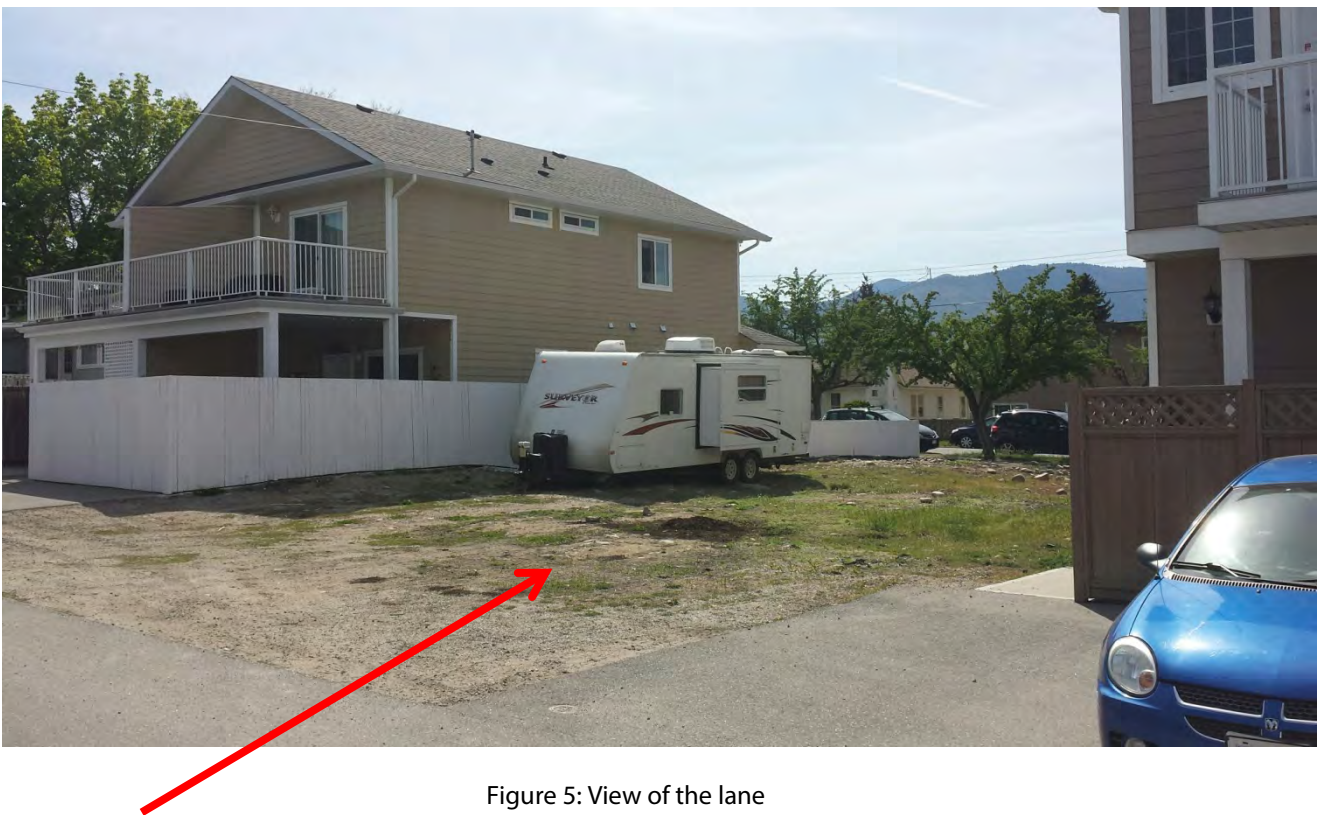


Figure 5: View of the lane

Attachment D –Letter of Rationale



April 18, 2016

City of Penticton
171 Main Street
Penticton, BC, V2A 5A9

Attention: Audrey Tanguay, Long Range Planner

Re: Development Proposal
508 Braid Street, Penticton, BC
Lot A, DL 202, Plan KAP86713, PID # 027-529-193

We are proposing to construct a front to back two storey duplex building on the above noted property. Each duplex unit will include a 1 bedroom self contained basement suite. The property is currently zoned RD2 - Duplex Housing Lane and MR - Medium Density Residential in the Official Community Plan.

As part of this application we are requesting a relaxation in the front yard setback from 4.5m to 3.5m. This request is being asked for to enhance the appeal of the rear facing unit and give it a buffer zoning between it and the on-site parking facilities located at the rear. We are also requesting a relaxation of the side yard setback from 1.5m to 1.2m to allow for stairway access to the lower level (basement) suites.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Bruce Schoenne', with a long horizontal flourish extending to the right.

Bruce Schoenne, RI,
President
Schoenne Homes Inc.

Attachment E – Building Rendering



Figure 6: Front (East) Elevation



Figure 7: Rear (West) Elevation



Figure 8: South Elevation



Figure 9: North Elevation

Attachment F: Site Plan

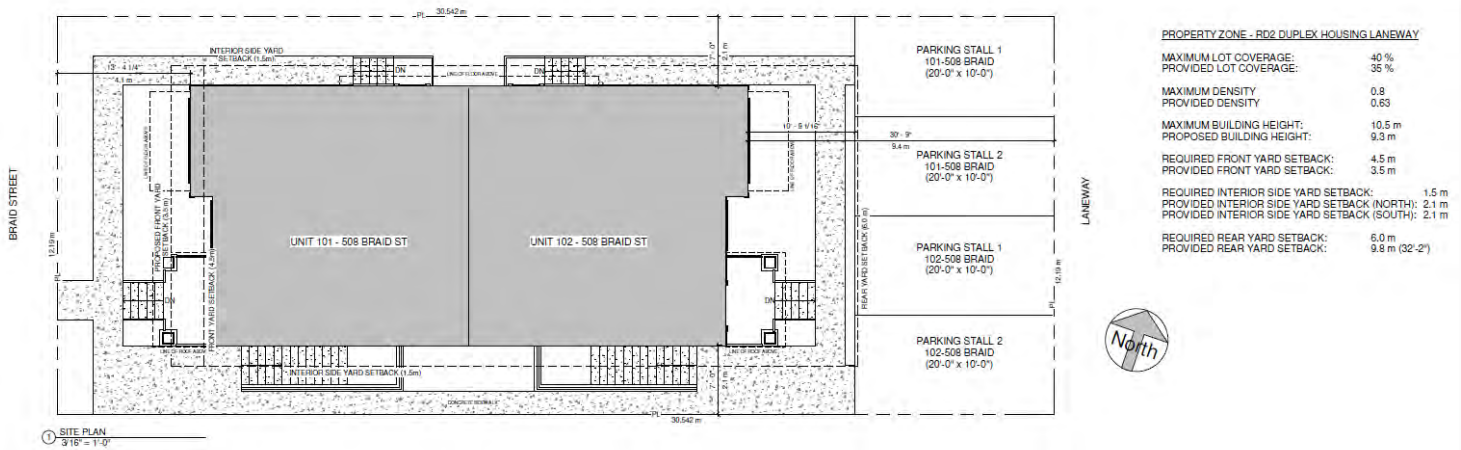


Figure 10: Site Plan

Attachment G: DVP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2016-7616

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP896713
Civic: 508 Braid Street
PID: 027-529-193
 - This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary: **Section 10.6.2.6:** to reduce the minimum front yard setback from 4.5m to 3.5m and **Section 10.6.3.4** to decrease the unobstructed and maintained access from 1.5m to 1.2 as shown in the plans attached in Schedule A.

General Conditions

3. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
4. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
5. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
6. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
7. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 2nd of May, 2016

Issued this ____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Page 6 of 11

Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

File No:

Subject: 2016 / 2017 Custom Transit Annual Operating Agreement

Staff Recommendation

THAT Council increase the 2016 Custom Transit Budget by \$11,800 with funds coming from existing general surplus;

AND THAT Council authorize the Mayor and Corporate Officer to execute the 2016 / 2017 Annual Operating Agreement for the Custom Transit System.

Strategic priority objective N/A

Background

On April 12, 2016 BC Transit sent an Email with the 2016 / 2017 Annual Operating Agreement for the Custom Transit System. The agreement and financial impacts were reviewed by the General Manager of Infrastructure. The agreement is the standard Annual Operating Agreement for Custom Transit with a revised Schedule "B" Service hours and a revised Schedule "C" Revenues, Expenditures and Stats.

The net municipal share of costs is \$116,279 which is \$11,799 higher than the Annual budget of \$104,480. The two main reasons for the increase are as follows:

1. The Annual Operating Agreement includes \$22,000, City Share \$8,000, for the Custom Transit Registration Program which was approved by Council on November 16, 2016 via Resolution 559/2015. The \$8,000 was not included in the Custom Transit Budget.
2. The Annual Operating Agreement includes a net \$35,000 cost for the Taxi Saver Program as compared to the budget value of \$30,000.

Financial implication

Item	2016 Budget	2016 / 2017 AOA	Variance
Total Revenue	\$ 20,410	\$ 20,410	\$0
Total Costs	\$ 320,696	\$ 354,406	-\$33,710
Net Municipal Share	\$ 104,480	\$ 116,279	-\$11,799

Analysis

Amending the Custom Transit Budget and entering into the agreement with BC Transit will ensure that the public is provided with a higher level of service, due to the Custom Transit Registration Program, as was provided in 2015.

Should Council wish they could instruct staff to explore cost or service level reductions with BC Transit.

Alternate recommendations

THAT Council instruct staff to explore cost or service level reductions with BC Transit.

Attachments

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure
City of Penticton

Approvals

CFO 	CAO <i>ES</i>
--	------------------

Council Report



Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

File No:

Subject: 2016 / 2017 Conventional Transit Annual Operating Agreement

Staff Recommendation

THAT Council increase the 2016 Conventional Transit Budget by \$12,700 with funds coming from general surplus;

AND THAT Council authorize the Mayor and Corporate Officer to execute the 2016 / 2017 Annual Operating Agreement for the Conventional Transit System.

Strategic priority objective N/A

Background

On April 11, 2016 BC Transit sent an email with the 2016 / 2017 Annual Operating Agreement for the Conventional Transit System. The agreement and financial impacts were reviewed by the General Manager of Infrastructure. The agreement is the standard Annual Operating Agreement for Conventional Transit with a revised Schedule "B" Service hours and a revised Schedule "C" Revenues, Expenditures and Stats.

The net municipal share of costs is \$895,922 which is \$12,627 higher than the Annual budget of \$883,285. The two main reasons for the increase are as follows:

1. The labor costs in the Annual Operating Agreement are \$15,000 higher than the amount allocated in the 2016 Budget due to new rates reflected in the recent contract extension.
2. Fuel costs in the Annual Operating Agreement are \$6,000 higher than the 2016 Budget.

Financial implication

Item	2016 Budget	2016 / 2017 AOA	Variance
Total Revenue	\$ 546,000	\$ 549,712	\$ 3,712
Total Costs	\$ 2,526,807	\$2,548,894	-\$22,087
Net Municipal Share	\$ 883,285	\$ 895,922	-\$12,627

Analysis

Entering into the agreement with BC Transit will ensure that the public is provided with the same level of service they currently enjoy.

Should Council wish they could instruct staff to explore cost or service level reductions with BC Transit.

Alternate recommendations

THAT Council instruct staff to explore cost or service level reductions with BC Transit.

Attachments

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure
City of Penticton

Approvals

CFO	CAO
	<i>ES</i>

Council Report

penticton.ca

Date: May 2, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I

File No: RZ PL2016-7619; DP PL2016-7620

Address: 469 Edmonton Avenue

Subject: Zoning Amendment Bylaw 2016-23; and
Development Permit PL2016-7620

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No.2016-23", to amend Zoning Bylaw 2011-23 to rezone Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125, located at 469 Edmonton Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forward to the May 16, 2016 Public Hearing;

Development Permit

THAT Council support "Development Permit PL2016-7620" for Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125, located at 469 Edmonton Avenue, a permit to approve the construction of cluster housing in the form of two front-to-back duplexes with one side facing Edmonton Avenue and the other facing the lane.

AND THAT staff are directed to issue "DP PL2016-7620", subject to adoption of "Zoning Amendment Bylaw No.2016-23".

Background

The subject property (Attachment 'A') is zoned R2 and is designated in the City's Official Community Plan as MR (Medium Density Residential). The property owner intends to rezone the property in-line with the OCP designation and construct a two-duplex development, providing four three-bedroom units in total. The land is currently occupied by a small older residential dwelling. The area is a mix of single family homes and medium density housing styles, with a number of low-rise apartment buildings and townhouses further west on Edmonton Avenue. This section of Edmonton Avenue, between Manitoba Street and Government Street, is typified by single-family dwellings.

The lot is of a regular shape and measures approximately 0.21 acres. Given the size of the lot, the lane access and its proximity to other multi-family developments, the subject property has strong redevelopment potential. The property is also in a Development Permit Area and a development permit will be required to

be issued prior to construction if the zoning amendment is successful. The property is in the General Multiple Family Development Permit Area.

Proposal

The applicant is requesting that the subject property be rezoned from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and is also requesting that the Development Permit for the site be approved in order to move ahead with construction of the project.

Financial Implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by various departments within the City. No irregular conditions or restrictions were observed through this process. Preliminary cost estimates have been communicated to the applicant.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RM2 Zone	Provided on Plans
Minimum Lot Width:	18 m	21.7 m
Minimum Lot Area:	670 m ²	853 m ²
Maximum Lot Coverage:	40 %	34%
Maximum Density:	0.75 FAR	0.70 FAR
Vehicle Parking:	4 regular and 1 visitor	4 regular and 2 visitor
Required Setbacks Front yard (Winnipeg St): Side yard (north): Side yard (south): Rear yard:	3.0m 3.0m 3.0m 6.0m	5.0m 3.0m 3.0m 11.0m
Maximum Building Height:	12.0m	7.0m
Other Information:	➤ Property is in the 'General Multiple' Development Permit Area and a Development Permit (DP) will be required.	

Analysis – Zoning Amendment

Support Zoning Amendment

Staff considers that rezoning the lot from Single Family Residential to Low Density Multiple Housing represents the highest and best use for the land for the following reasons:

- The Official Community Plan designates 469 Edmonton Avenue for Multiple Family Residential development.
- The property has a lot area large enough to accommodate higher density development as proposed with this application.
- The OCP provides that infill residential development is an appropriate method of maximizing the use of land and increasing housing choice.
- Intensification and increased densities should be encouraged along transit routes. The subject property is approximately 100m from popular transit routes.
- The neighbourhood is characterized by numerous townhouse and apartment buildings. The built form proposed by this development provides an appropriate increase in density, does not impose an adverse impact on the low-density residential forms of the area and provides greater housing choice for Penticton residents.
- The proximity to downtown and nearby services encourages more walking and active forms of transportation.

The form of development proposed falls under the relatively new 'Cluster Housing' use. A similar development was recently completed on Ontario Street and the results have been favorable in terms of fit with the neighbourhood and no adverse impact on neighbouring properties.

Given the above, staff recommends that Council support Zoning Amendment Bylaw 2016-23 and forward the application to the May 16, 2016 Public Hearing for comment from the public.

Deny

Council may consider that this form of development is not appropriate for the lot or that the neighbouring residents will be negatively impacted by the proposal. If this is the case, Council should deny first reading of the amendment bylaw.

Analysis – Development Permit

Support Development Permit

The development permit that is being requested is staff-issuable, but is included in this report to streamline the approvals process. During the deliberation phase of a Development Permit, staff examines the form, character and community impact of developments. This analysis is cross-referenced with guidelines laid out in the Official Community Plan.

Staff considers that the design of this two-duplex development is in keeping with the OCP. It meets a number of criteria laid out in the development permit guidelines, including: a varied building shape; creating an interesting and activated frontage for pedestrians; and ensuring all parking comes from the lane. Additionally, the applicant has provided a suitable landscaping plan.

With such close proximity to downtown, the redevelopment of this site in the form of multi-unit duplex housing shows a positive contribution to the core area's growing density. Staff considers that the plans submitted meet the intent of the Development Permit Area guidelines and conform to the Zoning Bylaw (for example, no variances to the Bylaw will be required as a consequence of this development). As such, staff recommends that Council approve the permit application and direct issuing of the permit.

Deny/refer

Council may consider that the design could be reworked in a way that better responds to the lot's site-specific context. If this is the case, Council should deny the application.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2016-23" and deny support to "DP PL2016-7620".
2. THAT Council give first reading to "Zoning Amendment Bylaw No.2016-23" but deny support to "DP PL2016-7620".
3. THAT Council give first reading to "Zoning Amendment Bylaw No.2016-23" and support "DP PL2016-7620" with conditions that Council feels are appropriate.

Attachments

- Attachment A: Subject property location map
Attachment B: Zoning map of neighbourhood
Attachment C: OCP map of neighbourhood
Attachment D: Images of subject property
Attachment E: Letter of intent
Attachment F: Draft DP, including site plan and elevation drawings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Director	CAO
JGH	ES

Attachment A – Subject Property Location Map

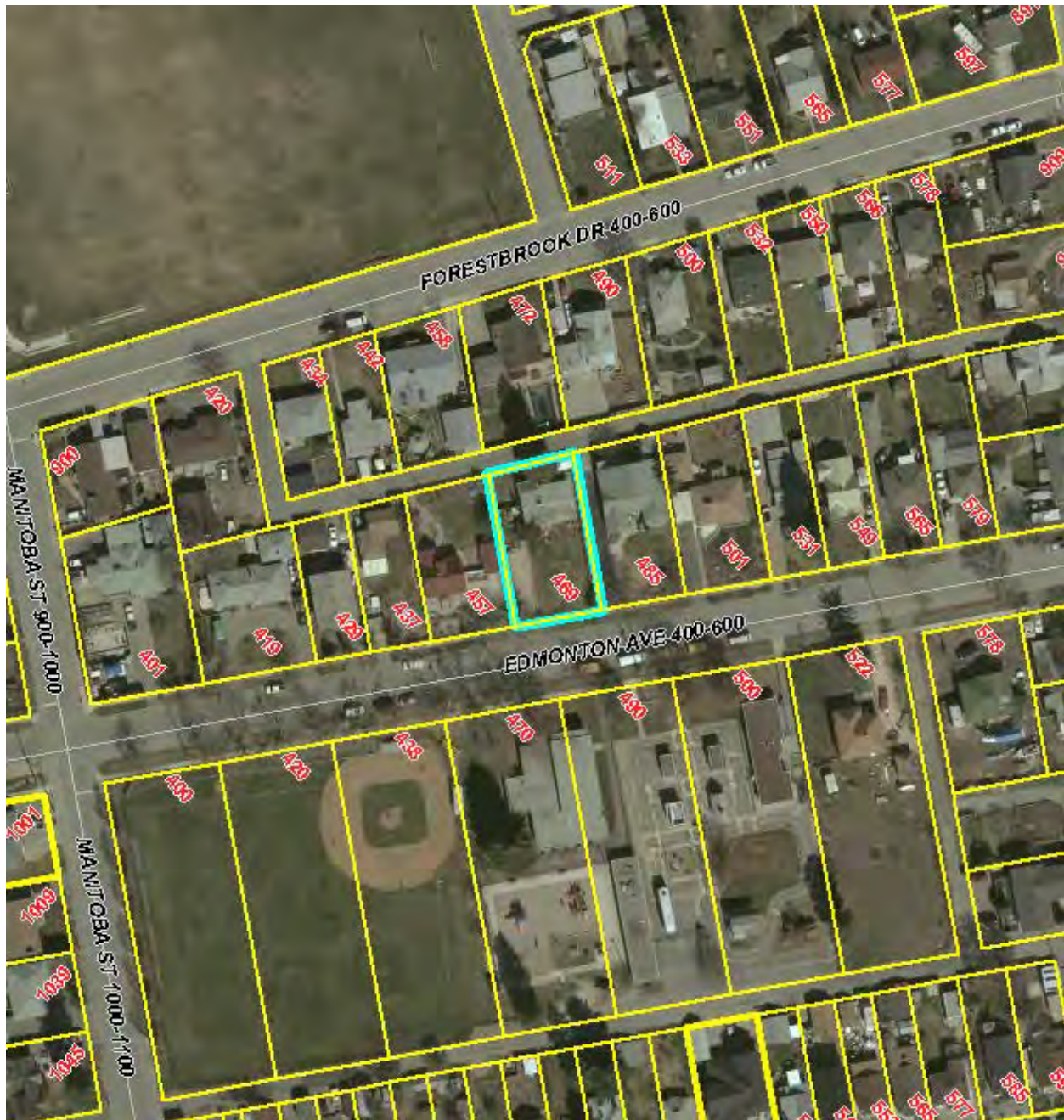


Figure 1: Subject property highlighted in blue

Attachment B – Zoning Map of Neighbourhood



Figure 2: Subject property zoned R2 (Small Lot Residential)

Attachment C – OCP Map of Neighbourhood



Figure 3: Subject property designated 'MR' (Medium Density Residential) in the OCP

Attachment 'D' – Images of Subject Property



Figure 4: Looking north at subject property from Edmonton Avenue



Figure 5: Looking south from alley at home to be removed

Attachment E – Letter of Intent



Brentview Estates Ltd.
Brentview Developments Ltd.
Suite 232, 113-437 Martin Street
Penticton, BC V2A 5L1
Email: rod@brentview.ca
Website: www.brentview.ca
Phone (250) 490-1119

Feb 29, 2016

City of Penticton

RE: 469 Edmonton Ave.

Plans have been submitted to develop this property, which we are asking for your support and approval.

In designing these plans, the following things were considered.

The surrounding neighborhood is currently a mix of multi family and single family residential. We wanted to maintain this look and feel for our proposed development. We feel that we have retained a good mix of both and feel that this proposed development is a great fit to the neighborhood.

A varied design for the streetscape has been created, while retaining a current design theme. The street appearance provides for a variation of color and shape, which compliments the neighborhood. It was important to us to provide a single family look while still achieving the multi-family density.

Each unit has its own parking space, as well as space for their guests to park within the property, so as not to create a 'parking lot' effect, and to further load the on-street parking.

We are proposing to add density in an area that according to the OCP, the City wants density. We are in compliance with the current OCP with our application.

We believe strongly that our proposed duplexes will be a huge upgrade to the neighborhood from the existing home.

Based on the above we ask that your approval be given for this project.

Thank You


Sincerely Yours
Rod Ferguson



Attachment F – Draft DP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2016-7620

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125
Civic: 469 Edmonton Avenue
PID: 010-516-336
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two duplexes as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or Irrevocable letter of credit, in the amount of \$6310.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

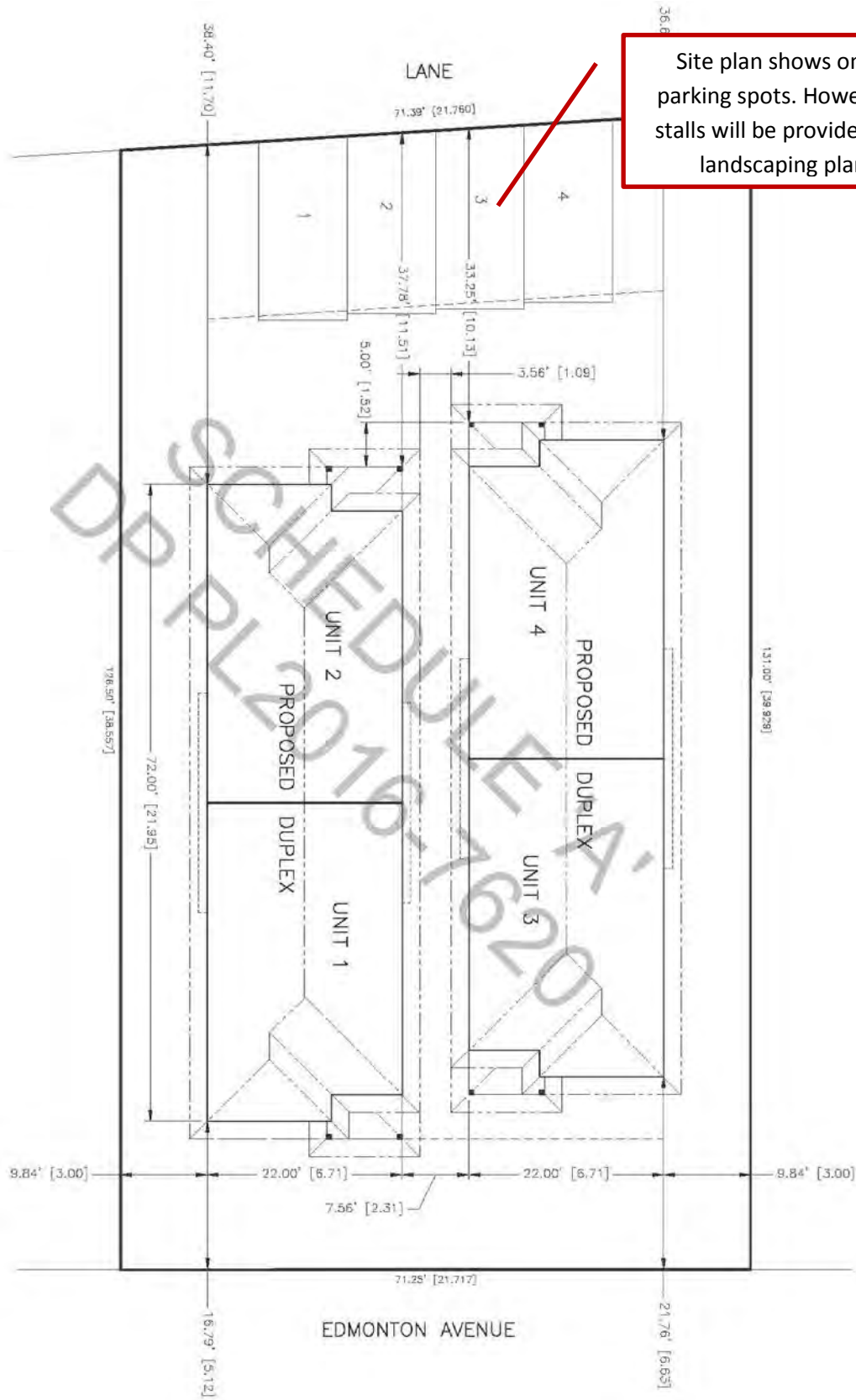
General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

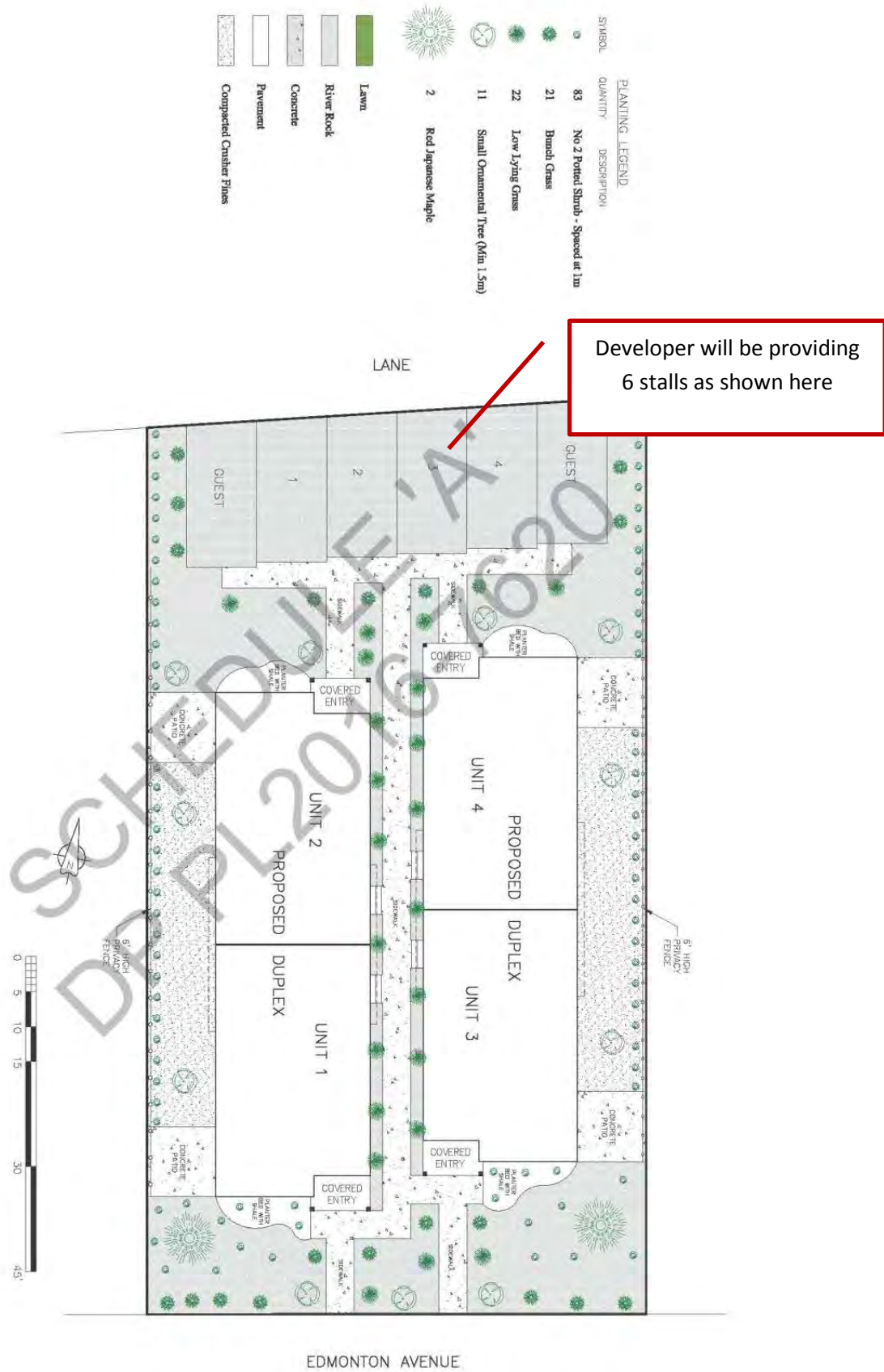
Authorized by City Council, the _____ day of _____, 2016

Issued this _____ day of _____, 2016

Dana Schmidt,
Corporate Officer



Site plan shows only 4 parking spots. However, 6 stalls will be provided (see landscaping plan)





SOUTH ELEVATION



Bylaw No. 2016-23

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2016-23".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 is hereby amended as follows:

Rezone Lot 1, District Lot 202, Similkameen Division Yale District, Plan 4125, located at 469 Edmonton Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

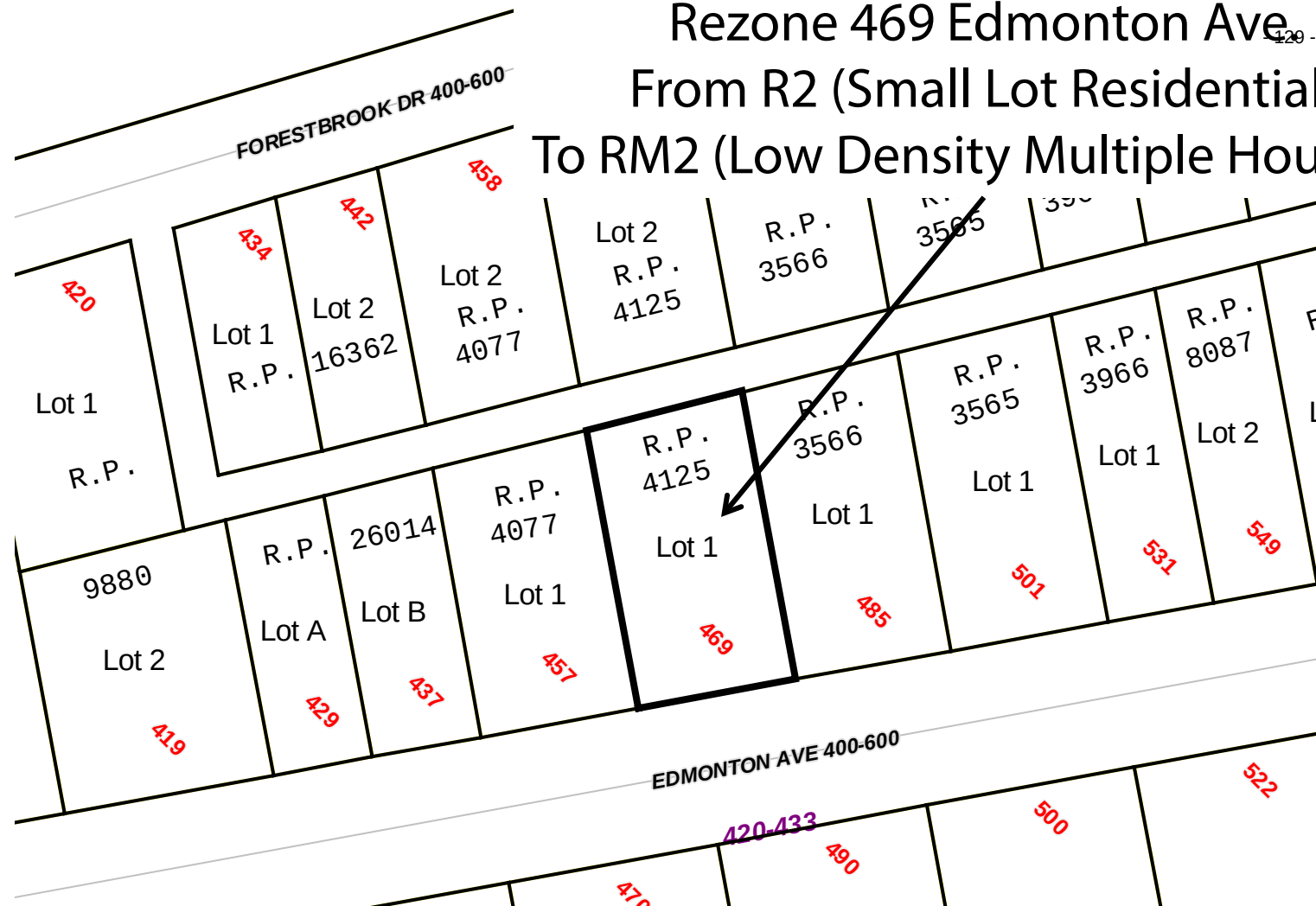
READ A FIRST time this	day of	, 2016
A PUBLIC HEARING was held this	day of	, 2016
READ A SECOND time this	day of	, 2016
READ A THIRD time this	day of	, 2016
ADOPTED this	day of	, 2016

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2016 and the ___ day of ___, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 469 Edmonton Ave
From R2 (Small Lot Residential)
To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-23

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: May 2, 2016 **File No:** RZ PL2016-7629; DVP PL2016-7630
To: Eric Sorensen, Chief Administrative Officer
From: Lindsey Fraser, Planner I
Address: 223 Conklin Avenue
Subject: Zoning Amendment Bylaw No. 2016-24
Development Variance Permit PL2016-7630

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2016-24", a bylaw to amend Zoning Bylaw 2011-23 for Lot 11, District Lot 1, Group 7, Similkameen Division Yale (formerly Yale-Lytton), District Plan 2518, located at 223 Conklin Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential), be given first reading and forwarded to the May 16, 2016 Public Hearing;

Development Variance Permit

AND THAT delegations and submissions are heard for Development Variance Permit PL2016-7630, for Lot 11, District Lot 1, Group 7, Similkameen Division Yale (formerly Yale-Lytton), District Plan 2518, located at 223 Conklin Avenue, a permit to reduce the minimum lot width of an R2 lot from 13m to 9.1m to allow for a two lot subdivision, during the May 16, 2016 Public Hearing;

AND THAT Development Variance Permit PL2016-7630 be considered only after adoption of Zoning Amendment Bylaw No. 2016-24.

Background

The subject property (Attachment 'A') is zoned R1 (Large Lot Residential) and is designated in the City's Official Community Plan as LR (Low Density Residential). Currently the lot contains a small, older house. It is the intention of the applicant to demolish the house, subdivide the property into two lots and construct a single family house and carriage house on each of the new parcels.

The area is dominated by single family homes and is known for its large lots, notably in terms of their depth. The subject property is 0.26 acres in size. The 'LR' designation envisages future development to be a mix of single family and duplex styles of development. Infill opportunities are presented by these large lots, and the applicant has elected to pursue a style of development that, whilst common in other municipalities, is new to Penticton comprising a smaller single family house with a one story carriage house at the rear of the lot.

The developer could apply for a variance to the lot width of the currently zoned R1 property and create two new R1 parcels in the process. However, infill development is relatively new in this neighbourhood and the proposed form is more consistent with the R2 zone is a better reflection of what is intended for the property. For that reason and to provide a more transparent approach to development, the re-zoning application is appropriate in this instance.

Proposal

The applicant is requesting that the subject property be rezoned from R1 (Large Lot Residential) to R2 (Small Lot Residential). The applicant is also requesting a Development Variance Permit to vary the following section of Zoning Bylaw 2011-23, to accommodate subdivision of the lot:

- Section 10.2.2.1: Reduce minimum lot width from 13m to 9.1m

Financial Implication N/A

Technical Review

This application was reviewed by the City's Technical Planning Committee; no significant issues arose in the process. The buildings will be required to meet the BC Building Code; and the City's Subdivision and Development Bylaw will be enforced during the subdivision process, should the application for rezoning and variance prove successful.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement of R1 Zone (current)	Requirement of R2 Zone	Provided on Plans
Minimum Lot Width:	16 m	13m	9.1m (variance required)
Minimum Lot Area:	560m ²	390 m ²	523m ²
Maximum Lot Coverage:	40 %	40%	37%
Vehicle Parking:	3 spaces	3 spaces	5
Required Setbacks			
Front yard (Churchill Avenue):	4.5m	4.5m	7.5m
Side yard (east):	1.5m	1.5m	1.5m
Side yard (west):	1.5m	1.5m	1.5m
Rear yard (lane) to carriage house:	1.5m	1.5m	7.5m
Maximum Building Height:	10.5m (principle) 7.0m (carriage)	10.5m 7.0m	7.0m 4.0m
Other Information:	Subject property is not within a development permit area.		

Analysis

Approve

The subject property is 0.26 acres (1048 m²) in size. This is significantly larger than the majority of single family lots in Penticton which tend to be between 0.09 and 0.16 acres (364m² and 647m²). In terms of infill development, lots of this size are recognized as having strong redevelopment potential. In relation to rezoning a property it is important to be aware of the OCP policies. In this case, the zoning amendment meets the built form guidelines (single family house) in addition to the following objectives:

- Encourage an intensification of residential land use and density in areas where existing services can accommodate higher density; and
- Encourage a diversified range of housing types.

With respect to the variance application, staff notes that new-build development often requires variances when occurring on existing lots. The proposed densification is considered by staff to be sensitive to the existing neighbourhood and modest in scale.

The variance in lot width from 13m to 9.1m will create lots of a width that are commonly seen in residential neighbourhoods closer to the downtown core. The lot depth of the subject property ensures that the newly created parcels are still appropriate to the relative size of other single family parcels in Penticton (at 523m²) and still in keeping with the scale of the neighbourhood.

Staff recognizes that this will be a new form of development for the area, but do not consider there will be any impacts on the residential amenity of neighbouring properties. For this reason and those outlined above, staff considers the request reasonable and recommends that Council support the application for variance and the first reading of Zoning Amendment Bylaw No.2016-24.

Deny

Council may consider the rezoning and variance application to be inappropriate for the neighbourhood. If this is the case, Council should deny support to the variance application and the first reading of the zoning amendment bylaw.

Alternate recommendations

1. THAT Council give first reading to "Zoning Amendment Bylaw No.2016-24" and deny support for "DVP PL2016-7630".
2. THAT Council give first reading to "Zoning Amendment Bylaw No.2016-24", and support DVP PL2016-7630 with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject property location map
Attachment B:	Zoning map of neighbourhood
Attachment C:	OCP map of subject property
Attachment D:	Images of subject property
Attachment E:	Letter of intent
Attachment F:	Draft DVP, including site plan and elevation drawings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Director <i>JGH</i>	CAO <i>ES</i>
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Attachment A – Subject Property Location Map



Figure 1: Subject property highlighted in blue

Attachment B – Zoning Map of Neighbourhood

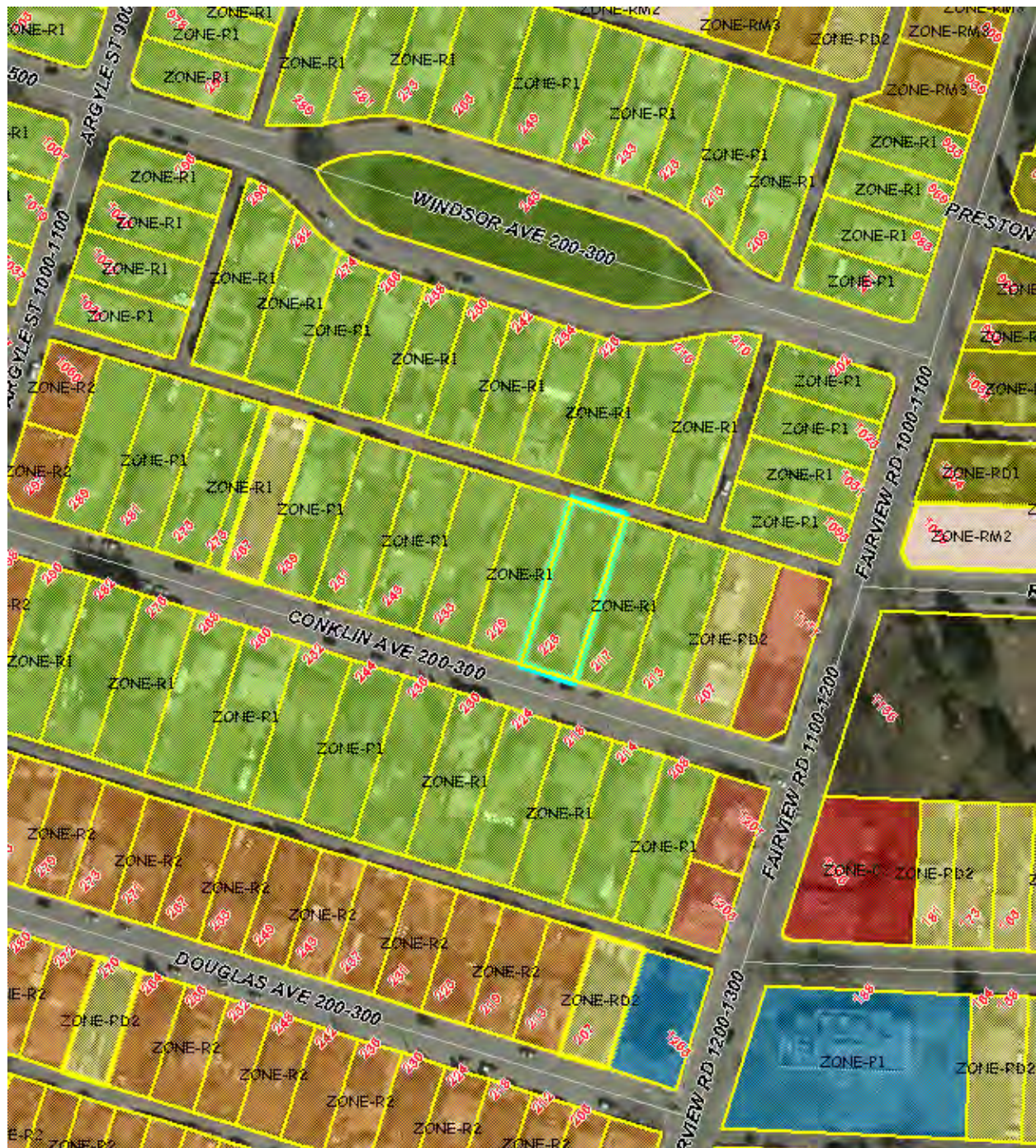


Figure 2: Subject property zoned R1 (Large Lot Residential)

Attachment C – OCP Map of Neighbourhood



Figure 3: OCP designation 'LR' (Low Density Residential)

Attachment D – Images of the Subject Property



Figure 4: Looking north at subject property from Conklin Street



Figure 5: Looking south from rear of property (lane)

Attachment E – Letter of Intent



RPO 24096 Government St.
Penticton, BC V2A 8L9
Ph: 250-488-4367 fax: 250-492-0831

March 8th, 2015

Letter of Intent

Attn: City of Penticton, Staff and Council

Re: 223 Conklin

We submit this letter to inform Council and Staff that we would like to purchase the land and home at 223 Conklin, with intent to subdivide the property and rezone.

The proposed rezone would be from R1 large lot residential to R2 small lot residential.

With R2 zoning we would require a variance to reduce the minimum lot width from 13 metres to 9.13 metres.

We have designed two single family homes with carriage houses off the laneway. The houses are three bedroom, two story with attached single car garage and the carriage houses are one story, two bedroom with laneway parking. It is our hope that this model of housing will help accommodate the shortage of rental properties in the city and provide rental income for the home owners to defray mortgage costs.

Respectfully yours



Scott Mayhew



Attachment F – Draft DVP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2016-7630

Name
Address I

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 11, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale-Lytton)
District, Plan 2518
Civic: 223 Conklin Avenue
PID: 010-997-806
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary Section 10.2.2.1 of Zoning Bylaw 2011-23 to reduce the minimum lot width from 13m to 9.1m, as is shown in the plans attached in Schedule A.

General Conditions

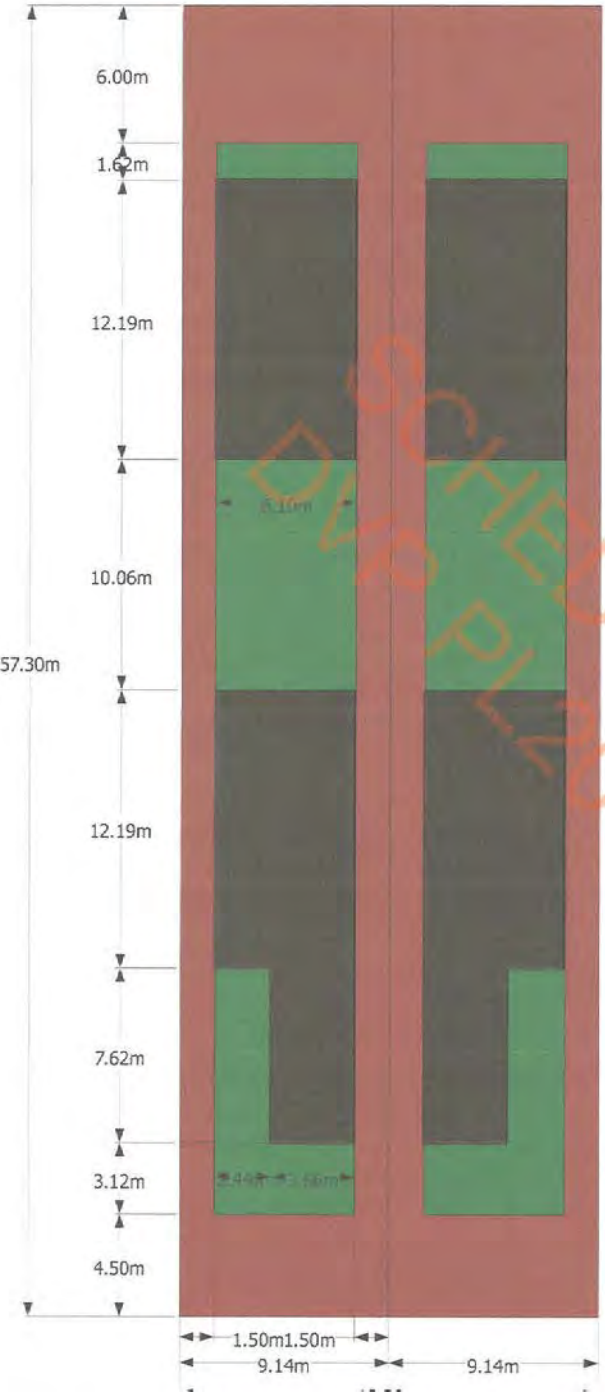
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the _____ day of _____, 2016

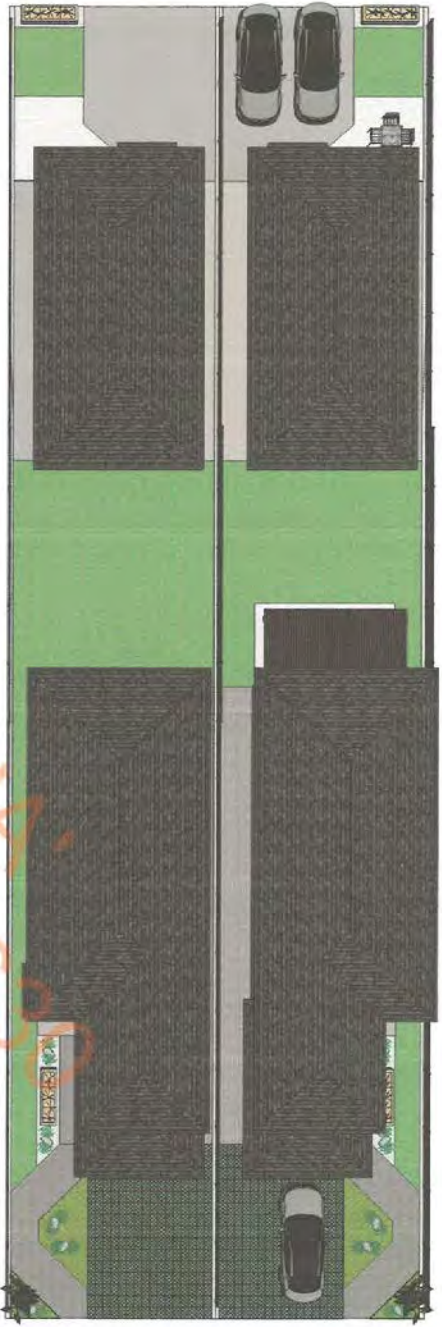
Issued this _____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Page 2 of 2



SUBDIVIDED LOT AREA = 523.97 SQM
PRIMARY RESIDENCE & CARRIAGE HOME LOT COVERAGE = 193.71SQM





A Bylaw to Amend Zoning Bylaw 2011-23

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

1. **Title:**

2. **Amendment:**

Rezone Lot 11, District Lot 1, Group 7, Similkameen Division Yale (formerly Yale-Lytton), District Plan 2518, located at 223 Conklin Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential).

READ A FIRST time this _____ day of _____, 2016

A PUBLIC HEARING was held this day of , 2016

READ A SECOND time this _____ day of _____, 2016

READ A THIRD time this _____ day of _____, 2016

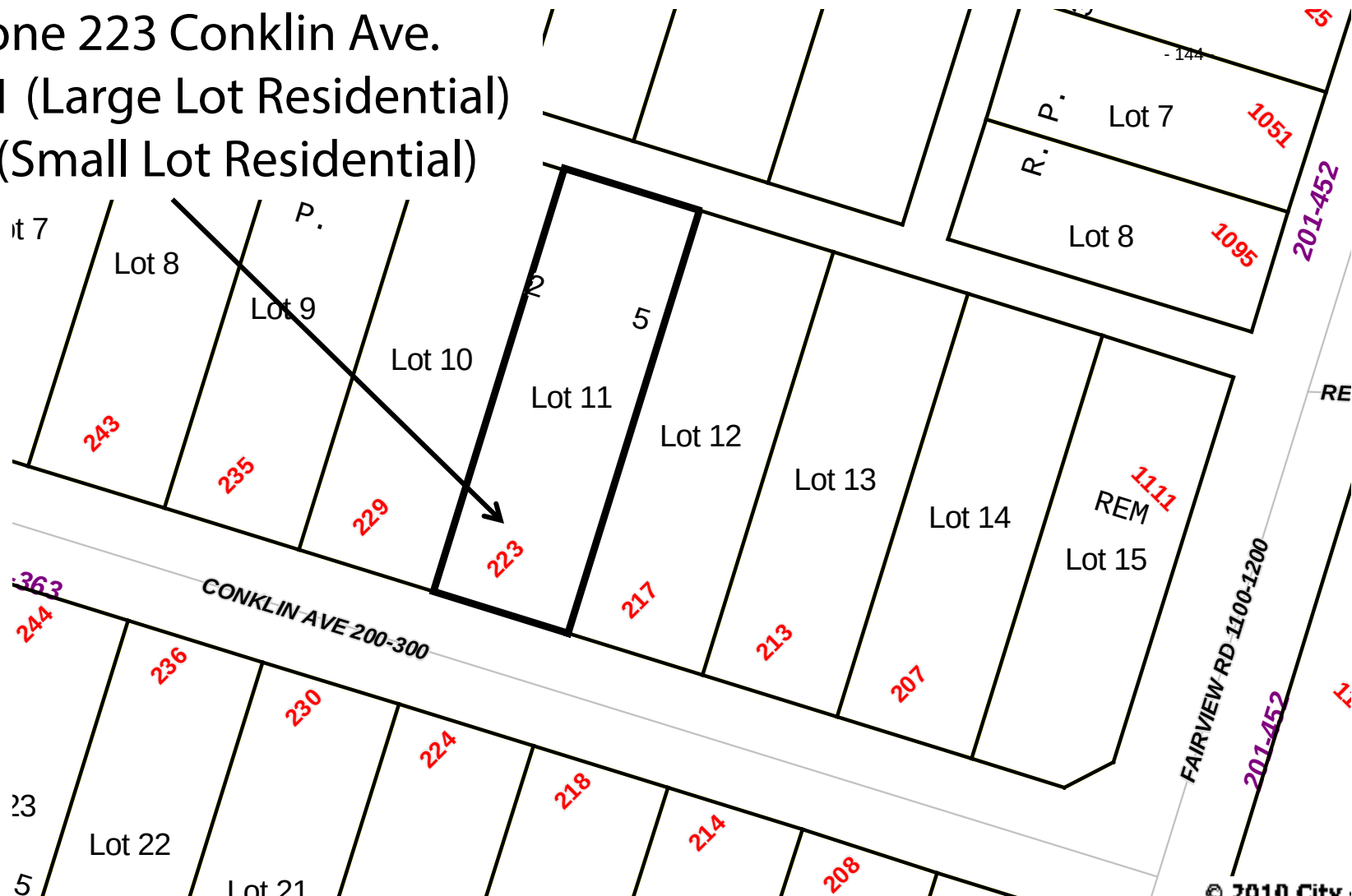
ADOPTED this day of , 2016

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2016 and the __ day of ____, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 223 Conklin Ave.
From R1 (Large Lot Residential)
To R2 (Small Lot Residential)



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2016-24

Date: _____

Corporate Officer: _____

Minutes



Arts, Creative & Cultural Innovations Committee Meeting

held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Thursday, April 14, 2016
at 8:00 a.m.

Present: Campbell Watt, Councillor
Allison Markin, Chair
Robin Robertson, Vice-Chair
Jane Shaak, Okanagan School of the Arts, Shatford Centre Representative
Lynn Allin, Penticton & District Arts Council Representative
Paul Crawford, Penticton Art Gallery Representative
Gerald Kenyon, South Okanagan Performing Arts Representative
Murray Swales, Member at Large (via conference call)

Staff: Lori Mullin, Recreation and Culture Manager
Ian Chapman, City Engineer
Lorraine Williston, Committee Secretary

1. Call to Order

The Arts, Creative & Cultural Innovations Committee was called to order by the Chair at 8:02 a.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee adopt the agenda for the meeting held on April 14, 2016 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee adopt the minutes of the February 11, 2016 meeting as circulated.

CARRIED UNANIMOUSLY

4. Delegation

4.1 Main Street Public Art Opportunities

The City Engineer provided an overview of the 100 and 200 Block revitalization project, block designs, planned conventional street furniture and potential public art opportunities.

The City Engineer presented examples of conventional street furniture that included street lights, bike racks, benches and garbage and recycle receptacles. Street lights will have hanging baskets and a 2x5 ft. banner. The size of the banner can be expanded for a future art opportunity. Public art examples of benches, bike racks, recycle and garbage receptacles, tree grates, manholes, vault covers, gear and control boxes were provided.

Staff are looking for direction from this committee on what type of artwork can be used to wrap the garbage and recycle receptacles and a recommendation to substitute some of the conventional street furniture for art features.

Discussion and questions followed regarding the art wraps for the receptacles. The City Engineer confirmed the wraps need to be ordered very soon. Due to time constraints, it was decided that staff will proceed with the selection of the pictures as there is not enough time for a call out to artists.

Discussion and questions followed regarding substituting some of the conventional street furniture for art piece features. The City Engineer stated the existing street furniture allocated for this project is:

- 20 benches @\$2,200 each
- 10 Swagman bike racks @ \$300 each
- 7 key hole bike racks @ \$750

The City Engineer proposed that if some substitutions are made, costs for the public art features could be allocated from the saved budget, additional budget from any construction project surplus, if there is any, and will require Council approval, and additional budget from the Public Art Reserve fund. Further discussion and questions followed. The Art Gallery representative stated back in 2008 there was a call out to artists for bike racks, manhole covers and bench designs. Designs had been selected but were not endorsed by Council at that time. Staff to research and bring forth additional information to the next meeting.

By consensus, the Arts & Creative & Cultural Innovations Committee enthusiastically endorses the opportunity to move forward with public art features.

It was MOVED and SECONDED that the Arts, Creative & Cultural Innovations Committee recommend:

THAT Council allocates a portion of any potential surplus funds from the Downtown Revitalization project towards including public art in the 100 and 200 Block.

CARRIED UNANIMOUSLY

5. **Business Arising from Prior Meetings**

5.1 Canada 150 Mosaic Initiative Update

The Recreation and Culture Manager presented the revised artist's drawing for Penticton's mural for review and approval by the committee. The date for the workshop has been confirmed for August 1, 2016, BC Day, at Gyro Park. Two additional workshops are planned for painting tiles. Item to be added to the next meeting agenda to decide on a location for the workshops and the next steps.

It was MOVED and SECONDED that the Arts, Creative & Cultural Innovations Committee approve the drawing as presented.

CARRIED
Gerald Kenyon, Opposed

5.2 Front Street Roundabout Discussion

The Recreation and Culture Manager reported the May Pole structure will be removed in May. Discussion on what can be put in that space to be added to the next meeting agenda.

6. **New Business**

6.1 Guerard's Furniture Murals Update

The Recreation and Culture Manager reported the murals removed from Guerard's Furniture store will be cleaned up by Public Works and installed on the Bus Barn building on Ellis Street in the near future. The recommendation was made by the Heritage & Museum Committee and supported by Council on January 20, 2014.

7. **Representative Updates**

7.1 Okanagan School of the Arts, Shatford Centre

The OSA representative reported they just had their first Writer's festival which was very well received and confirmed they have a lot of conferences scheduled for the year.

7.2 Penticton & District Council

The Penticton & District Council representative reported their next event 'Art Ware' is happening May 25 at the Cannery Brewery. Artists will be creating pieces to wear from various materials and exhibiting them during the show. 150 people are expected. On June 3 they will be hosting a variety show for local artists including previous Art Award nominees. The first Festival of the Arts will be happening July 22-24 and will be housed under the Leir House and different venues throughout the City. They are also working on bringing Cathy Jones, TV personality from 'This Hour Has 22 Minutes' to Penticton for her 'one woman' show which will be held at the Cleland Theatre with a tentative date of September 24. If that date does not work out, then they will be looking at a date in either January or February, 2017.

The Penticton & District Council representative reported the Arts Council has completed their grant approvals for local art member organizations and will be inviting everyone out for the presentation of the cheques. The Children's Showcase is in need of a lot of support and is looking for board members and financing etc.

7.3 Penticton Art Gallery

The Penticton Art Gallery representative reported they will be holding their second hand art sale and invited everyone to come out. The Art Gallery's AGM will be held on June 1 and the art auction is happening on June 20.

7.4 Penmar Community Arts Society

The Penmar Community Arts Society was not in attendance.

7.5 En'owkin Centre

The En'owkin Centre representative was not in attendance.

7.6 South Okanagan Performing Arts Centre

The SOPAC representative did not have anything new to report.

8. **Council Outcome**

Council Resolution 117/2016 and 118/2016 from the minutes dated February 11, 2016 were received.

9. **Next Meeting**

The next regularly scheduled meeting of the Arts, Creative & Cultural Innovations Committee will be May 12, 2016 at 8:00 a.m.

10. **Adjournment**

The Arts, Creative & Cultural Innovations Committee adjourned the meeting at 9:28 a.m.

Minutes



Heritage & Museum Committee Meeting

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

Thursday, April 21, 2016
at 8:30 a.m.

Present: Bill Allen, Chair
Randy Manuel, Vice-Chair
Heather Buzzell, Penticton Library Representative
Stephanie James, Penticton Library Representative Alternate
Shelley Clarke, School Board 67 Representative
Brad Hillis, Leir House Representative
Jessie Dunlop, SS Sicamous Representative
Georgia Krebs, Shatford Centre Representative
Lorraine Stephanson, Member at Large

Staff: Dennis Oomen, Museum Manager
Lorraine Williston, Committee Secretary

1. Call to Order

The Museum & Heritage Committee was called to order by the Chair at 8:36 a.m. The Chair welcomed the Shatford Centre representative to the committee.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Museum & Heritage Committee adopt the agenda for the meeting held on April 21, 2016 as amended (refer to item 5.3).

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Heritage & Museum Committee adopt the minutes of the February 18, 2016 meeting.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Gerard's Furniture Murals Update

The Museum Manager reported the murals that were removed from Guerard's Furniture store will be cleaned up by Public Works and installed on the Bus Barn building on Ellis Street in the near future. The recommendation was made by the Heritage & Museum Committee and supported by Council on January 20, 2014.

4.2 2005 Penticton Heritage Strategy Review

The Vice-Chair provided an overview of what has been completed as contained in the heritage strategy and noted what has not be completed and includes the protection of iconic and historical areas in the city. Discussion followed regarding potential subdivisions in historical areas. By consensus, the committee agreed that any potential developments in historical areas should be vetted through this committee first. Discussion followed on the esplanade and environmental landscapes. It was suggested that the Planning Manager be invited to the next meeting regarding development in historical areas to provide further information. The Committee Secretary to invite the Planning Manager to the next meeting.

5. New Business

5.1 Heritage Bylaw – Windsor Avenue

The Chair reported Councillor Sentes has confirmed with staff that Windsor Avenue or any neighboring streets are not currently under any heritage protection. The Vice-Chair noted the 2005 Penticton Heritage Strategy does make reference to a clause in the Official Community Plan with respect to heritage corridors and areas in Penticton. Also noted in the strategy are heritage conservation areas for Front Street, Windsor Park, Victoria Park and heritage buildings. Discussion followed on establishing Windsor Avenue as a heritage area and how to bring back heritage buildings back to their original state. It was suggested the Planning Manager and the Director of Development Services be invited to the next meeting and be provided a copy of the 2005 Penticton Heritage Strategy to review. The Committee Secretary to forward a copy of the strategy to staff.

5.2 5 Year Strategic Plan Discussion

The Museum Manager stated he is preparing a 5 year plan and needs assessment for the Museum/Library building. The Penticton Library representative stated they are also completing a needs assessment for the library. Discussion followed on how what effect the five year plan will have on the facilities review.

5.3 Facilities Review

The Museum Manager stated Councillor Sentes has indicated that staff and Council will be touring all the facilities to better understand the needs for each one. Discussion followed on the needs for both the library and museum. The Penticton Library representative stated our library is half the size it should be for the size of our community. It was suggested either the Manager of Facilities or General Manager of Infrastructure be invited to a future meeting to provide additional information regarding the Facilities Master Plan.

6. **Council Outcome**

6.1 Council Resolution IC77/2016, 161/2016 and 162/2016 from the minutes dated March 17, 2016 was received.

7. **Next Meeting**

The next regularly scheduled meeting of the Museum & Heritage Committee will be May 19, 2016.

8. **Adjournment**

The Museum & Heritage Committee adjourned the meeting at 9:55 a.m.