

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

**Tuesday, October 3, 2017**  
**at 1:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**

6.1	Minutes of the September 19, 2017 Committee of the Whole	1-2	Receive
6.2	Minutes of the September 19, 2017 Public Hearing	3-5	Receive
6.3	Minutes of the September 19, 2017 Regular Council Meeting	6-12	Adopt
7. **Committee and Board Reports**

7.1	Arts, Creative & Cultural Innovations Committee Minutes of September 12, 2017 <i>Staff Recommendation: THAT Council receive the draft minutes of the Arts, Creative &amp; Cultural Innovations Committee meeting of September 12, 2017.</i> <i>Committee Recommendation: THAT Council support the Public Sculpture Program for 2018 and allocate the remaining funds in the Arts Reserve fund of \$24,000 towards this project.</i>	13-16	
7.2	Economic Development Task Force Minutes of September 21, 2017 <i>Staff Recommendation: THAT Council receive the draft minutes of the Economic Development Task Force meeting of September 21, 2017.</i>	17-19	
7.3	Transportation Advisory Committee Minutes of September 26, 2017 <i>Staff Recommendation: THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of September 26, 2017.</i> <i>Committee Recommendation: THAT Council support and direct staff to issue a Request for Proposal for Transit Bench Management – Media Space &amp; Maintenance for the City of Penticton’s transit stops and benches.</i> <i>Committee Recommendation: THAT Council write a letter to the Passenger Transportation Board stating that the City of Penticton is against Greyhound Canada Transportation’s proposed reduction of service to include the following points:</i>	20-23	

- Affects access to medical care for residents living in rural communities
- Preserve transportation that facilitates year round and reliable transportation service for the mining and agricultural industries
- That the Passenger Transportation Board requests that Greyhound Canada Transportation considers alternate programs to increase ridership.

8. **Correspondence**

- 8.1 Greyhound Service in the Region 24-31  
*Staff Recommendation: THAT Council send the letter regarding the reduction of Greyhound service in the region to the Passenger Transportation Board with the comments from the Economic Development Task Force and Transportation Advisory Committee.*

9. **Staff Reports:**

- RS 9.1 Permissive Tax Exemption Amendment Bylaw No. 2017-61 32-41  
*Staff Recommendation: THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting \$229,811 in permissive tax exemptions to all applicants qualifying for permissive tax exemption under the Community Charter and City of Penticton policy as listed in Schedule B at 100% of the applied for exemption.*
- EUM 9.2 Electric Utility Services Bylaw No. 2017-44 42-98  
*Staff Recommendation: THAT Council give first reading to "Electric Utility Services Bylaw No. 2017-44"; AND THAT Council direct staff to consult with the community on the proposed electrical changes prior to second and third reading of the bylaw.*
- BPM 9.3 Injunctive Relief – failure to obtain permit and geotechnical covenant 99-109  
 Re: 890 Three Mile Road  
*Staff Recommendation: THAT Council authorize staff to seek an injunction in Supreme Court via section 274 of the Community Charter to enforce the continued violation of the City of Penticton Building Bylaw No. 94-45 (1994) located at 890 Three Mile Road, Penticton, British Columbia, Legally Described As Lot 4 Plan KAP7508 District Lot 199 Similkameen Division Yale District (Parcel Identifier 001-844-571).*
- HRM 9.4 Sports and Events Project Manager Position 110-113  
*Staff Recommendation: THAT Council approves the Sport and Events Project Manager role as a permanent, full time position.*

10. **Public Question Period**

11. **Recess Meeting**

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

13. **Reconsideration of Bylaws and Permits:**

- |      |   |                    |  |
|------|---|--------------------|--|
| 13.1 | Zoning Amendment Bylaw No. 2017-58<br>Development Variance Permit PL2017-8013<br>Re: 68 & 76 Roy Avenue | 114-115<br>116-117 | Adopt<br>Approve                                   |
| 13.2 | Zoning Amendment Bylaw No. 2017-63<br>Development Variance Permit PL2017-8026<br>Re: 295 Abbott Street  | 118-119<br>120-121 | 2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt<br>Approve |
| 13.3 | Zoning Amendment Bylaw No. 2017-64<br>Re: 168 Kirkpatrick Avenue  | 122-123            | 2 <sup>nd</sup> /3 <sup>rd</sup>                   |

14. **Land Matters:**

- DDS 14.1 Zoning Amendment Bylaw No. 2017-65 124-149  
DVP PL2017-8037 & DP PL2017-8038  
Re: 461 Eckhardt Avenue West  
*Staff Recommendation:* THAT "Zoning Amendment Bylaw No. 2017-65", a bylaw to rezone Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;  
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-65", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office.  
THAT delegations and submissions for "Development Variance Permit PL2017-8037" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing.  
AND THAT Council consider "DVP PL2017-8037" following the adoption of "Zoning Amendment Bylaw No. 2017-65".  
THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-65", approve "Development Permit PL2017-8038" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit that allows for the construction of two duplexes.
- DDS 14.2 OCP Amendment Bylaw No. 2017-66 150-179  
Zoning Amendment Bylaw No. 2017-67  
DVP PL2017-8041 & DP PL2017-8042  
Re: 641 Winnipeg Street  
*Staff Recommendation:* THAT prior to consideration of "OCP Amendment Bylaw No. 2017-66" 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 consultation conducted to date is sufficient;  
AND THAT "OCP Amendment Bylaw No. 2017-66", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.  
THAT "Zoning Amendment Bylaw No. 2017-67", being a bylaw to Rezone Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;  
AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-67", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.  
THAT delegations and submissions for "Development Variance Permit PL2017-8041" for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-8041" following the adoption of "Zoning Amendment Bylaw No. 2017-67".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-67", approve Development Permit PL2017-8042 for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit that allows for the construction of two duplexes.

DDS 14.3 OCP Amendment Bylaw No. 2017-68 180-208

Zoning Amendment Bylaw No. 2017-69  
DVP PL2017-8045 & DP PL2017-8046

Re: 681 Winnipeg Street

Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2017-68" 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:

6. One or more persons, organizations or authorities;
7. The Regional District of Okanagan Similkameen;
8. Local First Nations;
9. School District #67; and
10. The provincial or federal government and their agencies.

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2017-68", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2017-69" being a bylaw to Rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from RD2 (Duplex Housing; Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-69", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8045" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT council consider "DVP PL2017-8045" following the adoption of "Zoning Amendment Bylaw No. 2017-69".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-69", approve Development Permit PL2017-8046 for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit that allows for the construction of two duplexes.

DDS 14.4 Zoning Amendment Bylaw No. 2017-70 209-233

DVP PL2017-8048 & DP PL2017-8049

Re: 1273 Government Street

Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2017-70", a bylaw to Rezone Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-70," a 2.3m road dedication along the east property line (Government Street) is registered with the Land Title Office.

*THAT delegations and submissions for "Development Variance Permit PL2017-8048" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum rear yard from 6.0m to 3.0m, be heard at the October 17, 2017 Public Hearing. AND THAT Council consider "DVP PL2017-8048" following the adoption of "Zoning Amendment Bylaw No. 2017-70."*

*THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-70", approve "Development Permit PL2017-8049" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit that allows for the construction of a four-unit townhouse.*

15. **Notice of Motion**
16. **Business Arising**
17. **Council Round Table**
18. **Public Question Period**
19. **Adjournment**

**Committee of the Whole**  
held at City of Penticton Council Chambers  
171 Main Street, Penticton, B.C.

**Tuesday, September 19, 2017**  
**Recessed from the Regular Council Meeting at 1:00 p.m.**

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

**Staff:** Peter Weeber, Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
Mitch Moroziuk, General Manager of Infrastructure  
Angie Collison, Deputy Corporate Officer

**1. Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:02 p.m.

**2. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on September 19, 2017 be adopted as presented.

**CARRIED UNANIMOUSLY**

**3. Delegations and Staff Presentations:**

3.1 Challenge Penticton

Michael Brown, MB Events, provided Council with his plans to sever ties with Challenge family in Germany. Search is underway for a viable multi-day triathlon event in Penticton.

**4. Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole meeting held September 19, 2017 at 1:12 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

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

**Tuesday, September 19, 2017**  
**at 6:00 p.m.**

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

**Staff:** Dana Schmidt, Corporate Officer  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
Mitch Moroziuk, General Manager of Infrastructure  
Angie Collison, Deputy Corporate Officer

**1. Call to order**

Mayor Jakubeit called the public hearing to order at 6:01 p.m. for Official Community Plan Amendment Bylaw No. 2017-57, Zoning Amendment Bylaw No. 2017-58 and Zoning Amendment Bylaw No. 2017-59. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

**2. Official Community Plan Amendment Bylaw No. 2017-57 and "Zoning Amendment Bylaw No. 2017-58" (68 & 76 Roy Avenue)**

The purpose of "Official Community Plan Amendment Bylaw No. 2017-57" is to amend Official Community Plan Bylaw No. 2002-20 as follows:

Amend Schedule 'B' Future Land Use designation for Lot 9, District Lot 115, Similkameen Division Yale District Plan 9176, located at 68 Roy Avenue and Lot 10, District Lot 115, Similkameen Division Yale District Plan 9176, located at 76 Roy Avenue, from LR (Low Density Residential) to MR (Medium Density Residential).

Amend Schedule 'H' Development Permit Area Map to include Lot 9, District Lot 115, Similkameen Division Yale District Plan 9176, located at 68 Roy Avenue and Lot 10, District Lot 115, Similkameen Division Yale District Plan 9176, located at 76 Roy Avenue, as General Multiple Family Development Permit Area.

The purpose of "Zoning Amendment Bylaw No. 2017-58" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 9, District Lot 115, Similkameen Division Yale District Plan 9176, located at 68 Roy Avenue and Lot 10, District Lot 115, Similkameen Division Yale District Plan 9176, located at 76 Roy Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to subdivide 68 & 76 Roy Avenue into three lots and construct two side-by-side duplexes on each lot.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

### **DELEGATIONS**

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

- Tony Giroux, Giroux Design Group, met with neighbours ahead of time and received valuable input from them. Neighbours asked not higher than two storeys and for plenty of trees. Parking concerns addressed with extra parking beyond what is required. Building has a traditional look, positive comments from neighbours.
- George Smith, Roy Avenue, attended presentation showing what proposed, those in attendance didn't want quite that density but considering development proposed accept that, concern was didn't want apartment building, want something to enhance residential neighbourhood, didn't want rentals. RM2 allows vacation rentals, don't want to see a big party street, want family residences, opposed to vacation rentals for these properties.

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

- No one spoke.

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

- Tony Giroux, intent is to sell units, not intent to be vacation rentals, no way of knowing what will happen after sold.

The public hearing for "Official Community Plan Amendment Bylaw No. 2017-57" and "Zoning Amendment Bylaw No. 2017-58" was terminated at 6:13 p.m. and no new information can be received on this matter.

### **3. "Zoning Amendment Bylaw No. 2017-59" (342 & 346 Van Horne Street)**

The purpose of "Zoning Amendment Bylaw No. 2017-59" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 8, Block 29, District Lot 202, Similkameen Division Yale District Plan 479, located at 342 Van Horne Street, and the north ½ of Lot 9, Block 29, District Lot 202, Similkameen Division Yale District Plan 479, located at 346 Van Horne Street from RD2 (Duplex Housing: Lane) to RM5 (Urban Residential).

The applicant is proposing to construct a dwelling unit in the rear of the property.

The Corporate Officer advised that no letters of concern have been received after the printing of the agenda.

**DELEGATIONS**

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

- Alec Rufiange, purchased lot in July, rezoning to RM5 to enhance property and neighbourhood and increase rental units as they are in short supply.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-59" was terminated at 6:15 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Dana Schmidt  
Corporate Officer

\_\_\_\_\_  
Andrew Jakubeit  
Mayor

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

**Tuesday, September 19, 2017**  
**at 1:00 p.m.**

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

**Staff:** Peter Weeber, Chief Administrative Officer (left at 2:29 p.m.)  
Dana Schmidt, Corporate Officer  
Mitch Moroziuk, General Manager of Infrastructure  
Anthony Haddad, Director of Development Services  
Jim Bauer, Chief Financial Officer  
Angie Collison, Deputy Corporate Officer

**1. Call to Order**

The Mayor called the Regular Council meeting to order at 1:01 p.m.

**2. Introduction of Late Items**

Add item 8.1 – Correspondence – Greyhound Service in the Region

**3. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on September 19, 2017 as amended to include item 8.1 – Greyhound Service in the Region.

**CARRIED UNANIMOUSLY**

**4. Recess to Committee of the Whole**

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 1:12 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the September 5, 2017 Committee of the Whole

502/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the September 5, 2017 Committee of the Whole as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the September 5, 2017 Public Hearing

503/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the September 5, 2017 Public Hearing as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the September 5, 2017 Regular Council Meeting

504/2017

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the September 5, 2017 Regular Council Meeting as presented.

**CARRIED UNANIMOUSLY**

**7. Committee and Board Reports**

7.1 Parks & Recreation Master Plan Steering Committee Minutes of August 10, 2017

505/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Parks & Recreation Master Plan Steering Committee meeting of August 10, 2017.

**CARRIED UNANIMOUSLY**

7.2 Transportation Advisory Committee Minutes of August 29, 2017

506/2017

**It was MOVED and SECONDED**

THAT Council receive the minutes of the Transportation Advisory Committee meeting of August 29, 2017.

**CARRIED UNANIMOUSLY**

7.3 Community Revitalization Select Committee Minutes of September 6, 2017

507/2017

**It was MOVED and SECONDED**

THAT Council receive the draft minutes of the Community Revitalization Select Committee meeting of September 6, 2017.

**CARRIED UNANIMOUSLY**

**8. Correspondence**

8.1 Late Item - Greyhound Service in the Region

**It was MOVED and SECONDED**

THAT Council send a letter to the board of Greyhound requesting a review of the reduction of Greyhound services in the region.

508/2017

**It was MOVED and SECONDED**

THAT Council defer sending a letter to the board of Greyhound requesting a review of the reduction of Greyhound services in the region to allow staff to gather further information and report back at the October 3, 2017 Regular Council meeting.

**CARRIED  
Councillor Sentes, Opposed**

**9. Staff Reports:**

9.1 Skaha Bluffs Area Boundary Extension

Applicants Lorenzo Arcari and Trevor Johnson, introduced themselves to Council.

509/2017

**It was MOVED and SECONDED**

THAT Council direct staff to initiate the electoral approval process for the Skaha Bluffs Area Boundary Extension; AND THAT Council direct staff to employ the Alternative Approval Process, as defined in the *Community Charter*, Section 86, to obtain electoral approval for the Skaha Bluffs Area Boundary Extension.

**CARRIED UNANIMOUSLY**

9.2 Challenge Triathlon Agreement

510/2017

**It was MOVED and SECONDED**

THAT Council support the amendment of the City of Penticton’s Challenge Triathlon agreement with MB Events to modify the triathlon brand; AND THAT Council direct staff, upon receiving the legal assurances, amend the agreement and authorize the Mayor and Corporate Officer to execute the revised agreement.

**CARRIED UNANIMOUSLY**

9.3 EIZ Reports

Councillor Sayeed declared a conflict of interest and left the meeting at 1:55 p.m.

511/2017

**It was MOVED and SECONDED**

THAT Council enter into Revitalization Tax Exemption Agreements with the owners of the following ten properties:

- 553 Veas Drive
- 21 Lakeshore Drive
- 409 Ellis Street
- 225 Main Street
- 234 Main Street
- 331 Van Horne Street
- 325 Van Horne Street
- 340 Ellis Street
- 2060 Government Street
- 232 Rosetown Avenue

AND THAT the Mayor and Corporate Officer are directed to execute the “Revitalization Tax Exemption Agreements” on behalf of the City.

**CARRIED UNANIMOUSLY**

Councillor Sayeed returned to the meeting at 2:03 p.m.

9.4 Climate Action Reporting for 2016

David Kassian, Community Sustainability Coordinator and Blake Laven, Planning Manager provided Council with the 2016 Climate Action Revenue Incentive Public Report (CARIP) for information.

**10. Public Question Period**

**11. Recess to In-Camera Meeting**

512/2017

**It was MOVED and SECONDED**

THAT Council recess at 2:29 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (c) *labour relations or other employee relations;*
- (e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (j) *information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act.*

**CARRIED UNANIMOUSLY**

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

Council reconvened the Regular Council Meeting at 6:15 p.m.

**13. Reconsideration of Bylaws and Permits**

13.1 Zoning Amendment Bylaw No. 2017-55  
 Development Variance Permit PL2017-7950  
 Re: 161 Bassett Street

513/2017

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2017-55";  
AND THAT Council approve "Development Variance Permit PL2017-7950" for 161 Bassett Street.

**CARRIED UNANIMOUSLY**

13.2 OCP Amendment Bylaw No. 2017-57  
 Zoning Amendment Bylaw No. 2017-58  
 Re: 68 & 76 Roy Avenue

514/2017

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-57";  
AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-57".

**CARRIED UNANIMOUSLY**

515/2017 **It was MOVED and SECONDED**  
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-58".  
**CARRIED UNANIMOUSLY**

13.3 Zoning Amendment Bylaw No. 2017-59  
Re: 342 & 346 Van Horne Street

516/2017 **It was MOVED and SECONDED**  
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-59".  
**CARRIED UNANIMOUSLY**

**14. Land Matters**

14.1 Development Variance Permit PL2017-8033  
Re: 647 Okanagan Avenue E

Delegations/Submissions: nil

517/2017 **It was MOVED and SECONDED**  
THAT Council approve "Development Variance Permit PL2017-8033" for Lot 4 District Lot 3821S Similkameen Division Yale District Plan 15261, located at 647 Okanagan Avenue East, a permit to reduce the minimum front yard from 6.0m to 1.5m; AND THAT staff be directed to issue "Development Variance Permit PL2017-8033."  
**CARRIED UNANIMOUSLY**

14.2 Downtown Plan Status Update - Implementation

518/2017 **It was MOVED and SECONDED**  
THAT Council receive this report for information, for an update as to the status of the Downtown Plan implementation.  
**CARRIED UNANIMOUSLY**

14.3 Local Area Improvement Process  
Re: 300 Block of Main Street

519/2017 **It was MOVED and SECONDED**  
THAT "300 Block – Main Street Local Area Service Bylaw No. 2017-62", a Bylaw under Section 211(1)(b) of the Community Charter, to impose a local area service tax to offset the cost of street improvements on Main Street, be given first and second reading;  
AND THAT, in accordance with Section 213 of the *Community Charter*, approval of the Bylaw be subject to a petition against the bylaw by property owners who would be subject to the bylaw;  
AND THAT notice of Council's proposal to proceed with the local area service be carried out in accordance with Section 213 of the *Community Charter*;  
AND FURTHER THAT once the 300 Block – Main Street Local Area Service Bylaw is complete, if supported by the landowners, this project be considered as part of the 2018 Budget process.  
**CARRIED**  
**Councillor Konanz, Opposed**

- 14.4 Zoning Amendment Bylaw No. 2017-63  
Development Variance Permit PL2017-8026  
Re: 295 Abbott Street

520/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-63," a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan KAP47803, located at 295 Abbott Street from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the October 3, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-8026" for Lot A District Lot 202 Similkameen Division Yale District Plan KAP47803, located at 295 Abbott Street, a permit to reduce the minimum interior yard from 4.5m to 1.8m and to reduce the minimum exterior yard from 4.5m to 2.2m, be heard at the October 3, 2017 Public Hearing. AND THAT Council consider "DVP PL2017-8026" following the adoption of "Zoning Amendment Bylaw No. 2017-63."

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-63," approve "Development Permit PL2017-8027" for Lot A District Lot 202 Similkameen Division Yale District Plan KAP47803, located at 295 Abbott Street, a permit that allows for the construction of a four-unit townhouse.

**CARRIED UNANIMOUSLY**

- 14.5 Zoning Amendment Bylaw No. 2017-64  
Re: 168 Kirkpatrick Avenue

521/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-64," being a bylaw to amend City of Penticton Zoning Bylaw No. 2017-08 by adding Section 10.1.3.7: "In the case of Lot 1 District Lot 116 SDYD Plan 19512 Except Plan 29643, located at 168 Kirkpatrick Avenue, a Bed and Breakfast Home shall be permitted," be given first reading and forwarded to the October 3, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

- 14.6 Development Permit PL2017-7955  
Re: 259 Backstreet Boulevard

522/2017

**It was MOVED and SECONDED**

THAT Council approve DP PL2017-7955, a permit to allow for the construction of a four (4) storey building on Lot A District Lot 202, Similkameen Division Yale District, Plan KAP49910 located at 259 Backstreet Boulevard;

AND THAT Council accept compensation for the removal of two City trees and 2:1 replacement as per the City Tree Protection Bylaw No. 2011-26.

**CARRIED UNANIMOUSLY**

**15. Notice of Motion**

**16. Business Arising**

THAT Council consider the offer to purchase for 3807 and 3811 Skaha Lake Road;  
AND THAT Council decline the offer to purchase 3807 and 3811 Skaha Lake Road;  
AND THAT Council, in consideration of interest expressed in the purchase and development of the City owned property located at 3807 and 3811 Skaha Lake Road, direct Staff to consult and engage with the community on the future use of the property at 3807 and 3811 Skaha Lake Road.

**17. Council Round Table**

**18. Public Question Period**

**19. Adjournment**

523/2017

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, September 19, 2017 at 7:46 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Dana Schmidt  
Corporate Officer

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Andrew Jakubeit  
Mayor

## Arts, Creative & Cultural Innovations Committee Meeting

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

Tuesday, September 12, 2017  
at 8:00 a.m.

**Present:** Campbell Watt, Councillor  
Jane Shaak, Okanagan School of the Arts, Shatford Centre Representative  
Vaelei Walkden-Brown, Penticton & District Arts Council Representative  
Robin Robertson, Member at Large  
Murray Swales, Member at Large  
Corinna Netherton, Member at Large  
Skyler Punnett, Member at Large

**Staff:** Anthony Haddad, Director of Development Services  
Lori Mullin, Recreation and Culture Manager  
Lorraine Williston, Committee Secretary

1. **Call to Order**

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

2. **Committee Member Introductions**

Roundtable introductions were done by all members and staff.

3. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Arts, Creative & Cultural Innovations Committee adopt the agenda for the meeting held on September 12, 2017

**CARRIED UNANIMOUSLY**

4. **Adoption of Minutes**

**It was MOVED and SECONDED**

THAT the Arts, Creative & Cultural Innovations Committee adopt the minutes of the April 21, 2017 meeting as circulated.

**CARRIED UNANIMOUSLY**

5. **Business Arising from Prior Meetings**

5.1 Valley First Public Sculpture Proposal Update

The Recreation & Culture Manager updated the committee on the partnership and sculpture proposal with Valley First and confirmed the purchase of the property in front of Valley First has completed. The next steps will be to establish a jury to begin the art selection process. The jury will consist of two members from the City of Penticton's Arts, Creative & Cultural Innovations Committee, two representatives from Valley First and one representative from the arts community. Skyler Punnett and Robin Robertson volunteered to sit on the jury. Staff will be setting up a meeting in the near future.

5.2 Public Sculpture Project Update

Robin Robertson updated the committee on the project to date noting there has been and continues to be a lot of positive feedback. Robin Robertson reported two of the sculptures were vandalized and have since been repaired. Two sculptures walks have been organized for September 22 at 6:00 pm and September 26 at 1:00 pm. The walks are by donation and all funds collected will be put into an art fund to go towards future art projects in the community. Discussion followed on the success and popularity of the sculptures. The Recreation & Culture Manager commented if this committee would like the public sculpture program to continue in 2018, planning needs to start soon and suggested a recommendation be made to Council. Staff confirmed the Arts Reserve Fund currently has a balance of \$24,000.

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

**THAT Council support the Public Sculpture Program for 2018 and allocate the remaining funds in the Arts Reserve fund of \$24,000 towards this project.**

**CARRIED UNANIMOUSLY**

Discussion followed on reestablishing the Public Sculpture Sub-Committee and Robin Robertson agreed to chair the sub-committee once again and asked if there were any interested members willing to join. Vaelei Walken-Brown and Skyler Punnett put their names forward.

6. **New Business**

6.1 Arts Rising Mural Project

The Penticton & District Arts Council representative reported that Sports and Events Manager for the City of Penticton was going to look into a location for the mural to be painted onto a city owned building noting the City has approved a \$500 grant for this project. Due to the fact a location has not been determined and the limited timing, it was suggested the \$500 be put towards the mural project being done by the En'owkin Centre for the building located at 333 Main Street. Discussion followed on potential locations and the approval process. Staff confirmed there is not enough time to select a location and more information is needed for this project to move forward. It was agreed that the funds be allocated to the En'owkin Centre mural project to allow for a bigger and better mural.

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

**THAT** the \$500 be allocated to the En'owkin Centre mural project to be painted on the building at 333 Main Street.

**CARRIED UNANIMOUSLY**

**7. Representative Updates**

**7.1 Okanagan School of the Arts, Shatford Centre**

The Okanagan School of the Arts, Shatford Centre representative reported they are gearing up for the fall. Their next exhibit will be 'Art for Peace' happening at the beginning of November. During the Arts Rising Festival the Shatford Centre will be hosting demos, exhibits and workshops.

**7.2 Penticton Art Gallery**

The Penticton Art Gallery representative was not in attendance.

**7.3 Penticton & District Community Arts Council**

The Penticton & District Community Arts Council representative reported they are working hard on upcoming the Arts Rising Festival and reviewed the lineup of events that are starting on Thursday, Sept. 21 through to Sunday, Sept. 24. Everyone was invited and encouraged to come out and take in the events.

**7.4 South Okanagan Performing Arts Centre**

The SOPAC representative was not in attendance.

**8. Appointment of Chair**

**It was MOVED and SECONDED**

**THAT** Robin Roberston be appointed as Chair and Murray Swales as Vice-Chair for the Arts, Creative & Cultural Committee for the 2017-2018 term.

**CARRIED UNANIMOUSLY**

**9. Council Outcome**

The Council Outcome was received for information.

**10. Meeting Schedule Discussion**

It was agreed to hold meetings on the fourth Friday of every month. The next regularly scheduled meeting for the Arts, Creative & Cultural Innovations Committee will be October 27, 2017.

Discussion ensued on the committee's Terms of Reference. Staff commented the Terms of Reference for all the committees are being revised and the Terms of Reference for this committee will be brought back to this committee for review. A request was made to clarify the paragraph relating to fundraising for better understanding by members.

Robin Robertson asked staff about information on possibly finding sponsorships for the sculptures so they can stay in the community. Staff to look into the City's guidelines on that.

11. **Adjournment**

**It was MOVED and SECONDED**

THAT the Arts, Creative & Cultural Innovations Committee adjourn the meeting held on Friday, September 12, 2017 at 8:58 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Lorraine Williston  
Committee Secretary

## Economic Development & Prosperity Task Force Meeting

Held at the City of Penticton  
171 Main Street, Penticton, B.C.

Thursday, September 21, 2017  
at 7:30 a.m.

**Present:** Mayor Andrew Jakubeit  
Andy Oakes, Member at Large  
Danielle Robinson (via Conference Call left at 8:10AM)  
Kirk Marleau, Member at Large  
Mark Melissen, Member at Large  
Stephen Noton, Member at Large  
Jason Cox, Chamber of Commerce

**Staff:** Peter Weeber, Chief Administrative Officer  
Anthony Haddad, Director of Development Services  
Jennifer Vincent, Economic Development Specialist  
Jim Bauer, Chief Financial Officer  
Krystie Dorrell, Recording Secretary

**Guests:** Hugh McClelland, Baird McClelland Inc.  
Colin O'Leary, O'Leary and Associates Ltd.  
Evelyn Riechert, RDOS Planner  
Larry Olson

1. **Call to order**

The Economic Development & Prosperity Task Force was called to order by the Mayor at 7:31 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Economic Development & Prosperity Task Force adopt the agenda dated September 21, 2017 as circulated.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

**It was MOVED and SECONDED**

THAT the Economic Development & Prosperity Task Force adopt the minutes of the August 14, 2017 meeting as circulated.

**CARRIED UNANIMOUSLY**

#### 4. **Appointment of Task Force Chair**

##### **It was MOVED and SECONDED**

THAT Andrew Jakubeit be appointed as Chair and Kirk Marleau as Vice-Chair for the Economic Development & Prosperity Task Force for the 2017-2018 term.

**CARRIED UNANIMOUSLY**

#### 5. **Business Arising from Prior Meetings**

##### 5.1 **Labour Market Study**

The Economic Development Specialist presented a summary of the Okanagan Region's Labour Force Study. The study investigated the challenges faced by employers in the area in attracting and retaining skilled labour in the South Okanagan. Recommendations included:

- Creating a South Okanagan regional market plan
- Economic development initiatives to support, sustain and create new jobs
- Bring together skilled labour supply and demand
- Be a welcoming community
- Ensure local training opportunities are aligned with the needs
- Enhance awareness of career pathways and training opportunities

##### 5.2 **Start Here Okanagan**

The Economic Development Specialist reported a relocation platform and premier online source for information about our community has been created in order to address the challenges from the Labour Force Market study. The website will be a one stop portal for potential employees and employers. The Start Here Okanagan campaign was created to attract and retain employees. The platform contains a job board that includes postings from external job posting boards such as 'Indeed' and can be used by employers to post positions and by potential employees to post their resume and intro video. The geographic range for job postings is Summerland to Osoyoos and Keremeos.

##### 5.3 **Tax Multiplier**

The Chief Financial Officer provided an overview of the property tax multiplier rates for both business and residential, stating it is the primary source of revenue for the City with 55% of income coming from taxes. The intention of the tax is to fund services the City cannot collect through specific user fees. The Chief Financial Officer commented that compared to other municipalities, Penticton ranks as the sixth lowest in the province and the lowest in the Okanagan Valley. It was further noted that the lower the business tax multiplier rate, the tax burden then shifts to the residential rates. Discussion and questions followed. Tax multiplier updates to be brought forward to future meetings.

##### 5.4 **Current/Past Initiatives**

Deferred to the next meeting.

##### 5.5 **Business Retention & Expansion Survey Update**

Deferred to the next meeting.

5.6 **Strategic Planning – Committee Update**

Deferred to the next meeting.

6. **New Business**

6.1 **Business Licence Update**

Deferred to the next meeting.

6.2 **Late Agenda Item - Greyhound Correspondence – Reduction/Elimination of Okanagan Routes**

The Mayor stated that Greyhound Canada Transportation has applied to the Passenger Transportation Board to reduce and or eliminate service to Similkameen routes and commented that agricultural workers use this service to move between jobs within the valley. Discussion and questions followed. Concerns were raised over the loss of routes and the impact it will have. The Mayor noted this correspondence will be forwarded to the Transportation Advisory Committee for review and feedback at their September 26, 2017 meeting.

7. **Next Meeting**

The next scheduled meeting of the Economic Development & Prosperity Task Force will be Thursday, October 19, 2017.

8. **Adjournment**

**It was MOVED and SECONDED** that the Economic Development & Prosperity Task Force adjourn at 9:00 a.m.

Certified Correct:

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Krystie Dorrell  
Committee Secretary



## Transportation Advisory Committee Meeting

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

Tuesday, September 26, 2017  
at 3:00 p.m.

**Present:** Tracy Van Raes, Chair  
Connie Sahlmark, Vice-Chair  
Daryl Clarke, PIDA Representative  
Matt Berry, Penticton Transit Representative  
Ian Gerbrandt, handyDART Representative  
Karina Chambers, Member at Large  
Brigid Kemp, Member at Large  
Matt Hopkins, Member at Large

**Staff:** Ian Chapman, City Engineer  
Tyler Figgitt, Design Supervisor  
Len Robson, Public Works Manager  
Lorraine Williston, Committee Secretary

### 1. Call to Order

The Transportation Advisory Committee was called to order by the Chair at 3:01 p.m.

### 2. Adoption of Agenda

**It was MOVED and SECONDED**

THAT the Transportation Advisory Committee adopt the agenda for the meeting held on September 26, 2017 as circulated.

**CARRIED UNANIMOUSLY**

### 3. Adoption of Minutes

**It was MOVED and SECONDED**

THAT the Transportation Advisory Committee adopt the minutes of the August 29, 2017 meeting as circulated.

**CARRIED UNANIMOUSLY**

#### 4. Business Arising from Prior Meetings

##### 4.1 Sidewalk Installation Priority List

The Design Supervisor provided a draft copy of the Strategic Sidewalk Priority Plan for the committee to review. Staff commented the plan outlines what considerations the City will take into account and noted this is still a work in progress. The next step will be to produce a map of the entire city for the priority plan. This draft plan will be brought forward to the next meeting for feedback and input. Discussion and questions followed.

Connie Sahlmark arrived at the meeting at 3:09 p.m.

#### 5. New Business

##### 5.1 Transit Shelter Ad and Cleaning Contract and Future Opportunities

The Public Works Manager presented an overview of the past and current practices regarding transit advertising bench maintenance contracts. Staff reviewed the City's current inventory of transit stops and benches including visual examples of shelters.

The Public Works Manager stated the maintenance contract expires at the end of the year and staff would like direction from this committee on whether to move forward with issuing a request for proposal with respect to maintenance and advertising at transit stops. Staff commented some benches and shelters are showing their age and there may be opportunities available where a business will agree to replace the benches for advertising rights on those benches. Examples of different styles of benches and advertising boards were presented. Staff reviewed the draft terms for the request for proposal. Discussion and questions followed. A suggestion was made to add recycle bins at the major transit hubs. Staff further stated any RFPs received would be vetted through this committee. By consensus, committee members were in support of moving forward with a request for proposal for Transit Bench Management – Media Space & Maintenance.

**It was MOVED and SECONDED that the Transportation Advisory Committee recommends:**

**THAT Council support and direct staff to issue a Request for Proposal for Transit Bench Management – Media Space & Maintenance for the City of Penticton's transit stops and benches.**

**CARRIED UNANIMOUSLY**

Len Robson left the meeting at 3:36 p.m.

##### 5.2 Greyhound Canada Transportation – Reduced Service

The City Engineer reviewed the correspondence outlining the proposed reduction of service received by Greyhound Canada Transportation. The City's draft response letter was read to the committee and feedback and input was requested. Staff noted the letter takes a similar position to that of Princeton and Keremeos and suggests that the City is against the reduction in service. Discussion followed. Suggestions included providing statistics/analysis of seasonal ridership to strengthen the City's statements, include additional reasons such as:

- Will directly affects those who cannot drive
- May cause loss of jobs – limiting people getting to and from their jobs in the mining and agricultural industries

- Affects access to medical care
- Request alternate programs be considered such as:
  - A monthly fare fee option
  - Incentive programs to increase ridership
- Consider expansion to provide a more reliable service for people travelling between communities

A question was asked if public transit could be improved in the communities affected to improve transit service. By consensus, the committee was in support of the City's letter to include additional reasoning.

**It was MOVED and SECONDED that the Transportation Advisory Committee supports Council's position that the City of Penticton is not in favour of the proposed reduction of service by Greyhound Canada Transportation;**

**AND THAT Council write a letter to the Passenger Transportation Board stating that the City of Penticton is against Greyhound Canada Transportation's proposed reduction of service to include the following points:**

- **Affects access to medical care for residents living in rural communities**
- **Preserve transportation that facilitates year round and reliable transportation service for the mining and agricultural industries**
- **That the Passenger Transportation Board requests that Greyhound Canada Transportation considers alternate programs to increase ridership.**

**CARRIED UNANIMOUSLY**

### 5.3 Bike Rack Location Question/Discussion

Matt Hopkins brought forth concerns over the lack of facilities throughout the city for residents to secure their bikes. Staff commented bike racks are considered and installed as part of new projects, however the City does not have a program in place to install bike racks in existing areas and are considered on a request only basis. Discussion and questions followed on types of racks available and costs, secured bike facilities and locations. Suggestions including using a parking space to install bike racks and to install secured bike facilities for those who ride to work. Staff suggested the possibility of developing an incentive program for business owners to install secured bike facilities for their employees. Other suggestions included identifying cycling as a form of transportation. Staff recommended this committee propose locations for the installation of racks and secured bike facilities. Committee members to bring forth recommendations for potential locations to the next meeting.

Ian Gerbrandt left the meeting at 4:31 p.m.

Questions and discussion followed on the City's current bike network plan and the implementation.

## 6. Next Meeting

The next scheduled meeting of the Transportation Advisory Committee will be October 24, 2017 at 3:00 p.m.

7. **Adjournment**

**It was MOVED and SECONDED** that the Transportation Advisory Committee adjourn the meeting held on Tuesday, September 26, 2017 at 4:37 p.m.

Certified Correct:

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Lorraine Williston  
Committee Secretary



October 4, 2017

Passenger Transportation Board  
Box 9850 STN PROV GOVT  
Victoria, BC V8W 9T5

Email: [ptboard@gov.bc.ca](mailto:ptboard@gov.bc.ca)

Dear Sir / Madam,

**RE: Application# 256-17 - Reduction in Greyhound Bus Service**

The City of Penticton has reviewed the application by Greyhound Canada to reduce and eliminate routes within our region and have identified a number of concerns through input from our Economic Development & Prosperity Task Force and Transportation Advisory Committee. In consideration of the geographical constraints and transportation needs of our community, we have identified the following concerns and issues with regards to the proposed changes.

*Economic Development & Prosperity Task Force*

The role of the City's Economic Development & Prosperity Task Force is to advise Council on issues that may impact the community from an economic growth and development perspective related to employment, business and community development. After meeting to discuss the above matter the following concerns were identified:

- Within the City's agricultural sector, and the region for that matter, season employees working at many of the agricultural business rely on the Greyhound Service to access Penticton, but also travel between communities for work. A disruption to this service would have significant impact on the agricultural industry in the region;
- There are other sectors of our regional economy that a reduction in service may impact. There are a number of employees that work in Princeton and live in Penticton and rely on traveling on Greyhound to get to work. The economic impact to the mining industry, as an example, in Princeton is something that the Passenger Transportation Board should take into consideration before making a decision on this matter;
- The Task Force recognized that ultimately it is a business decision for Greyhound, however Penticton's entrepreneurial community may see value in competing with Greyhound for a regional service, especially during the shoulder season when tour buses, for example, could take advantage of the loss of Greyhound service and supplement it with their existing infrastructure. If this proves to be successful for our local businesses, perhaps this model may work through the entire year;
- The Task Force commented on the schedule of service, the Similkameen route leave Penticton after midnight, perhaps better times would correspond with greater ridership;
- Ultimately Greyhound Canada have the infrastructure to provide the best service between communities for workers, travelers and member of our community and the Committee strongly believe that any reduction in service will have a negative impact not only on our community but our regional partners.

### Transportation Advisory Committee

The role of the City's Transportation Advisory Committee is to make recommendations to the Council on all matters related to traffic and transportation that include conventional transit, custom transit and regional transit issues and initiatives. After meeting to discuss the above matter the following concerns and recommendations were identified:

- A reduction of service within the affected rural communities will limit access to medical care especially for those residents who do not drive;
- Seasonal workers who work in multiple communities during the farming season, rely on the Greyhound Service to travel between communities. A reduction of service will greatly impact the workforce available to the many farms, orchards and vineyards that rely on these workers to harvest their crops;
- A reduction in service will impact workers employed in the mining industry travelling from Penticton to the jobsite located in rural communities;
- A year round reliable transportation service needs should be preserved for both the mining and agricultural sectors;
- The Passenger Transportation Board recommend to Greyhound Canada Transportation that they consider alternate programs to increase ridership.

It is the position of the City of Penticton that the Passenger Transportation Board require Greyhound Canada to maintain the existing essential service at a minimum. As identified by our regional community partners, improving the services throughout the region may contribute to enhancing the profitability of the routing.

Sincerely,

### **THE CORPORATION OF THE CITY OF PENTICTON**

Andrew Jakubeit  
Mayor

cc. MP Dan Albas  
MLA Dan Ashton  
RDOS Chair & CAO  
Mayor Frank Armitage, Princeton, BC  
Mayor Ron Hovanes, Oliver, BC  
Mayor Sue McKortoff, Osoyoos, BC  
Mayor Manfred Bauer, Keremeos, BC



September 13, 2017

Greetings Your Worship:

Greyhound Canada Transportation ULC has filed an application with the B.C. Passenger Transportation Board for elimination certain route points and the reduction of Minimum Route Frequencies that has the possibility of affecting intercity bus service in your community. Details of these changes appear in the enclosed Public Notice.

Should your community have any comments regarding this proposal, please notify the B.C. Passenger Transportation Board at the address set out in the Public Notice by **Friday October 13, 2017**.

Yours sincerely,

Brad Scott  
BC District Manager, Passenger Services  
Greyhound Canada Transportation ULC



**PUBLIC NOTICE OF APPLICATION TO REDUCE MINIMUM ROUTE FREQUENCY AND  
ELIMINATE CERTAIN ROUTE POINTS.**

**Greyhound Canada Transportation ULC (Greyhound)**

**B.C. Passenger Transportation Board (“Board”) Application # 256-17**

**Posting Period September 13, 2017 to October 13, 2017**

Please take note that Greyhound has applied to the Board to amend its Passenger Transportation License # 70414 to reduce minimum route frequencies to two per week in each direction and eliminate certain route points (as indicated) on the following routes:

- A: Alberta Border & Highway 1 - Vancouver
- B1: Kamloops - Kelowna
- B2: Kelowna - Penticton
- C: Vancouver - Osoyoos
- D: Kelowna - Alberta Border & Highway 3
- E: Prince George – Vancouver
- G: Alberta Border & Highway 2 - Dawson Creek
- N: Alberta Border & Highway 16 - Vancouver
- P: Kelowna – Vancouver
- S1: Vancouver – Pemberton / Mt. Currie

This application is part of an effort to offer a viable, streamlined Intercity Bus Service in response to a challenging transportation environment that is characterized by diminishing ridership, escalating costs and increased competition from publicly subsidized services. Despite significant efforts over the past several years to reduce costs as well as other measures to adapt to the market, Greyhound continues to suffer important losses from its passenger operations in BC.

This application seeks to reduce minimum route frequencies to allow the company flexibility in adapting schedules to respond to market demand without the requirement of an application before the Board. Service frequencies will not necessarily be reduced as a result.

It also seeks to eliminate certain route points that have low passenger use in order to reduce travel time for the majority of users and better respond to market demand.

**Business as Usual Pending Regulatory Review and Approval**

Greyhound's BC operations will continue to operate normally on these routes during the regulatory process review period-the Company does not foresee any changes to operations in 2017. Subject to the outcome of the Board's review of our application we do not anticipate these changes will come into effect until early 2018. We expect no impact on passenger ticketing and package transport for the remainder of this year.

- More information about the application, including, changes affecting other routes and the “Applicant’s Rationale” by Greyhound is available at [www.ptboard.bc.ca/bus.htm](http://www.ptboard.bc.ca/bus.htm).
- The Passenger Transportation Board will consider written comments it receives by **Friday October 13, 2017**.
- Send comments to the Passenger Transportation Board at Box 9850 STN PROV GOVT, Victoria BC, V8W 9T5, or by fax at (250) 953-3788 or email at [ptboard@gov.bc.ca](mailto:ptboard@gov.bc.ca).
- The Board forwards comments to Greyhound. Comments from private individuals are subject to a privacy and confidentiality agreement that Greyhound Canada Transportation ULC has made with the Board.

Eliminated Route Points:

- A: Alberta Border & Highway 1 – Vancouver (West Louise Lodge, Field Junction, Glacier Park East Gate, Rogers Pass, Oyama and Agassiz).
- B1: Kamloops – Kelowna (Monte Lake, Westwold, Falkland, Oyama)
- B2: Kelowna – Penticton (n/a)
- C: Vancouver – Osoyoos (Agassiz, Manning Park, Eastgate, Town of Princeton, Hedley, Village of Keremeos)
- D: Kelowna - Alberta Border & Highway 3 (Beaverdell)
- E: Prince George – Vancouver (McLeese Lake, Spences Bridge, Shaw Springs, Village of Lytton, North Bend, Boston Bar, Spuzzum, Yale, Laidlaw, Bridal Falls, Agassiz)
- G: Alberta Border & Highway 2 - Dawson Creek (n/a)
- N: Alberta Border & Highway 16 – Vancouver (Agassiz)
- P: Kelowna – Vancouver (Agassiz)
- S1: Vancouver – Pemberton / Mt. Currie (West Vancouver, Britannia Beach, Pinecrest/Black Tusk, Mount Currie) \*Some trips may terminate at the Resort Municipality of Whistler instead of the Village of Pemberton.



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September 15, 2017

L6422

Email: ptboard@gov.bc.ca  
Passenger Transportation Board  
Box 9850, STN PROV GOVT  
Victoria BC, V8W 9T5

To Whom it May Concern,

**Re: Application #256-17 from Greyhound Canada-Reductions in Service**

The Town of Princeton has reviewed the application of Greyhound Canada to reduce minimum route frequency and to eliminate certain route points. Princeton's service is being eliminated completely.

Eliminating our connection to the west coast is very disconcerting as well to points east. There are a number of residents in the community that rely on this service for medical services/treatment in the larger centres.

Greyhound Canada has been less than responsive to the needs of our community as evidenced by our last correspondence to them in July 2016 (attached). We have received no response to this appeal. Further, a large number of businesses in this area utilize the Greyhound Express/Freight service to have essential supplies and parts delivered for necessary commercial and industrial repairs.

It is our position that the Passenger Transportation Board require Greyhound Canada to maintain the existing essential services at a minimum. We would also submit that improved service to the area may enhance the profitability of the route.

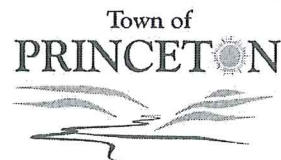
Should you require further detailed information regarding our objection to the elimination of services please call Mayor Frank Armitage at 250-295-3135.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Armitage".

Frank Armitage, Mayor

cc MP, Dan albas  
MLA, Linda Larson  
RDOS Chair and CAO  
Mayor Andrew Jakubeit, Penticton, BC  
Mayor Ron Hovanes, Oliver, BC  
Mayor Sue McKortoff, Osoyoos, BC  
Mayor Manfred Bauer, Keremeos, BC



July 29, 2016

L6325

Mr. Peter Hamel, Regional Vice President  
Director Western Canada  
Greyhound Canada Transportation Corporation  
111 International Blvd, Suite 700  
Burlington, Ontario L7L 6W1

COPY

Dear Mr. Hamel,

**Re: Reduced Greyhound Services**

The Town of Princeton has contacted Ms. Lanesha Gipson, Senior Spokesperson, Customer Relations for Greyhound Canada, numerous times. Ms. Gipson had indicated that you would be contacting our office and we have had no response from you. I have great concerns with the reduction in services in the Similkameen and more specifically the Town of Princeton.

In October 2012 Greyhound reduced their services and at that time we received a letter requesting Council's comments. Why was this not done this time? The Town of Princeton received no communication from Greyhound Canada.

The Town of Princeton has received negative feedback from our citizens regarding the recent reduction in services and the scheduling changes that affect our area. The arrival and departure location for the Greyhound bus is not open during the new scheduled times. This leaves our citizens extremely vulnerable, waiting outside for a bus or being dropped off with no business open and where the passengers cannot be inside, safe and out of the elements. Princeton, in the winter months, has extreme weather conditions, snow, sleet, wind, and sometimes as cold as -25.

I would like to know how Greyhound came to the decision to reduce these services and change the scheduled time for arrivals and departures. Why was there no communication with the Town of Princeton or any of the communities on this route?

On behalf of Council and the citizens of Princeton I urge Greyhound Canada to review the new bus schedule and services and I would welcome a phone call with you. I can be reached at 250-295-3135.

Yours truly,

A handwritten signature in black ink, appearing to read "Frank Armitage". The signature is written in a cursive, flowing style.

Frank Armitage  
Mayor



*Healthy Living, Naturally*

September 14, 2017

Passenger Transportation Board  
Box 9850, STN PROV GOVT  
Victoria, BC  
V8W 9T5

Subject: Greyhound Canada Service Reductions, BC Passenger Transportation Board Application #256-17

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To Whom it May Concern,

The Village of Keremeos is in receipt of Greyhound Canada's application to reduce minimum route frequency and to eliminate certain route points. Keremeos is one of the route points proposed for complete elimination.

The Greyhound bus service is one of two intercommunity transportation links in Keremeos. The only other service available to Keremeos residents is a small Princeton to Penticton bus twice a week, accessible only by reservation, and primarily used to attend medical appointments.

Riders on the existing Greyhound route are predominantly elderly, and highly dependent on service to the lower mainland to receive medical treatments and visit family and friends. Cuts to service in rural areas such as Keremeos have a critical impact, further disadvantaging and isolating those who have the fewest travel options.

I urge the Passenger Transportation Board to deny Greyhound's request to eliminate Keremeos as a route point.

Sincerely,

Mayor Manfred Bauer

cc MP, Dan Albas  
MLA, Linda Larson  
RDOS Chair and CAO  
Mayor and CAO, Penticton  
Mayor and CAO, Oliver  
Mayor and CAO, Osoyoos

# Council Report

penticton.ca

**Date:** October 3, 2017 File No: 1970-04  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Amber Coates, Revenue Supervisor  
**Subject:** **Permissive Tax Exemption Amendment Bylaw No. 2017-61**

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## Staff Recommendation

THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting \$229,811 in permissive tax exemptions to all applicants qualifying for permissive tax exemption under the *Community Charter* and City of Penticton policy as listed in Schedule B at 100% of the applied for exemption.

## Background

Pursuant to the *Community Charter*, on or before October 31<sup>st</sup> in any year, Council may, by bylaw, exempt land or improvement from taxation.

The Permissive Tax Exemption Policy, endorsed by Council, requires applicants to provide financial information, proof that the organization is in good standing with the Society Act and limits the exemption to the principal use of the property and not the non-profit status of the organization, to be pro-rated if necessary (if a portion of the property is commercial use).

The policy also states that exemptions will only be provided to those organizations that will experience financial hardship. Financial hardship is defined such that not receiving a Permissive Tax Exemption could seriously impair services to the community at large or impose significant hardship on the organization itself and the users of the facility. Staff's criteria for assessing hardship is based on an organization having less than \$100,000 in working capital.

Staff have reviewed the applications in detail and compiled the required information into the attached Schedules. These Schedules note which organizations would realize a financial hardship if the Permissive Tax Exemption is not endorsed and which organizations are in a good financial position and should be considered individually. The list also details the opportunity cost amount of municipal property taxes that would be imposed on the property if it were not exempt. (Amounts are based on 2017 assessments and tax rates).

Correspondence sent to applicants is clear that they should not plan for the exemptions and includes the following sentence:

"As Permissive Tax Exemption approvals are at Council's discretion, taxes for the ensuing year should be budgeted for accordingly in the event that your request for a tax exemption is not forthcoming."

The Permissive Tax Exemption Policy allows for Places of Worship, Private Schools, and Hospitals that meet certain criteria to complete multiple year applications. Exemptions already awarded for the 2018 tax year for these applicants are equivalent to \$112,889 in taxation revenue.

### **Financial implication**

Awarding all requested exemptions eligible under the *Community Charter* and that comply with City of Penticton Permissive Tax Exemption Policy criteria at 100% has a taxation revenue opportunity cost equivalent of \$229,811.

Awarding all requested exemptions eligible under the *Community Charter* at 100% has a taxation revenue opportunity cost equivalent of \$371,707.

### **Analysis**

#### New Applications for Permissive Tax Exemption for 2018

The following is the list of new applicants requesting consideration for a Permissive Tax Exemption:

- Penticton BMX Society
- Penticton Disc Golf Club
- BC Wine Information Society
- South Okanagan Immigrant and Community Services
- South Okanagan Women in Need Society (additional location)

In total 95 applications were received as part of 2018 process. Of these, 17 applicants are not recommended for award, due to either having in excess of \$100,000 in working capital, or not having provided financial information in order for City staff to make a determination of the level of working capital. (Attachment A)

In addition, there were 30 applications from places of worship, private schools, and hospitals that were received and approved in 2016 for a three year period. The value of these exemptions for 2018 total \$122,889 (Attachment B)

### **Alternate Recommendations**

THAT Council direct staff to prepare a Permissive Tax Exemption bylaw to:

1. Award 100% permissive exemptions to all applicants eligible under the *Community Charter* resulting in a tax revenue reduction of \$371,707.

OR

2. Award permissive exemptions at a 90% reduction rate resulting in a tax revenue reduction of:
  - a. For applicants eligible under the *Community Charter* and meet Policy Criteria: \$206,830 (Difference from 100% reduction is \$22,981)
  - b. For all applicants eligible under the *Community Charter*: \$334,536 (Difference from 100% reduction is \$37,171)

OR

- 3. Award permissive exemptions at a 75% reduction rate resulting in a tax revenue reduction of:
  - a. For applicants eligible under the *Community Charter* and meet Policy Criteria: \$172,358 (Difference from 100% reduction is \$57,453)
  - b. For all applicants eligible under the *Community Charter*: \$278,780 (Difference from 100% reduction is \$92,927)

**Attachments**

Attachment A – Applicants that do not meet the Policy Criteria for Individual Consideration  
Attachment B – Schedule ‘A’ to 2017 Permissive Tax Exemption Bylaw No. 2016-57, updated with current values  
Attachment C – Permissive Tax Exemption Amendment Bylaw No. 2017-61

Respectfully submitted,

Amber Coates  
Revenue Supervisor

Approvals

CFO  <i>JWB</i>
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## Attachment A – Applicants that do not meet the Policy Criteria for Individual Consideration

<b>Not for Profits and Societies Not Meeting Policy Criteria Applying for One (1) Year (2018)</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Army, Navy & Air Force Veterans in Canada, Unit 97	257 Brunswick St.	\$1,634	Apportioned based on area used for liquor sales - 58.84% of land/improvements used for charitable purposes <b>Working capital in excess of \$100,000</b>
BC Wine Information Society	101 - 553 Veas Dr.	\$3,813	<b>Working capital in excess of \$100,000</b>
Good Samaritan Canada (A Lutheran Social Service Organization)	270 Hastings Ave.	\$59,617	<b>Working capital in excess of \$100,000</b>
Penticton & District Emergency Program Society	251 Dawson Ave.	\$1,315	<b>Working capital in excess of \$100,000</b>
Penticton & District Hospice Society	129 Nanaimo Ave. W.	\$3,416	<b>Working capital in excess of \$100,000</b>
Penticton & District Minor Hockey Association	325 Power St.	\$1,332	<b>Working capital in excess of \$100,000</b>
Penticton & Wine Country Chamber of Commerce	102 Ellis St.	\$2,416	<b>Working capital in excess of \$100,000</b>
Penticton BMX Society	630 Munson Mountain Rd.	\$2,674	<b>**Financials not provided to allow review of current working capital**</b>
Penticton Golf & Country Club	600 Comox St.	\$9,537	Approx. 172,000 square feet exempt for land and approx. 10,000 square feet exempt for buildings <b>**Financials not provided to allow review of current working capital**</b>
Penticton Golf & Country Club	852 Eckhardt Ave. W.	\$14,452	<b>**Financials not provided to allow review of current working capital**</b>
Penticton Seniors' Drop-In Society	2905 South Main St.	\$24,937	<b>Working capital in excess of \$100,000</b>
Roman Catholic Bishop of Nelson for Penticton Recovery Resource Society	397 Wade Ave. W.	\$1,347	<b>Working capital in excess of \$100,000</b>
South Okanagan Immigrant and Community Services	340 Ellis St.	\$4,039	<b>Working capital in excess of \$100,000</b>
South Okanagan Similkameen Brain Injury Society	332 Eckhardt Ave. W.	\$1,937	<b>Working capital in excess of \$100,000</b>
South Okanagan Similkameen Brain Injury Society	742 Argyle St.	\$1,794	<b>Working capital in excess of \$100,000</b>
South Okanagan Similkameen Medical Foundation	1748 Camrose St.	\$4,497	<b>Working capital in excess of \$100,000</b>
South Okanagan Similkameen Medical Foundation	1802 Camrose St.	\$3,142	<b>Working capital in excess of \$100,000</b>
<b>Total One (1) Year Applications:</b>		<b>\$141,896</b>	<b>17 Properties</b>

**Bylaw No. 2016-57 Schedule A : Exempt for Three (3) Years (2017, 2018 & 2019)**

<b>Places of Worship</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Cheers the Church	639 Main St.	\$5,551	
Christian Science Society	608 Winnipeg St.	\$2,020	
Church of Jesus Christ of Latter Day Saints	2946 South Main St.	\$5,384	
Church of the Nazarene	523 Jermyn Ave.	\$3,014	Class 1 Residential portion not eligible for exemption
Concordia Lutheran Church	2800 South Main St.	\$5,005	
Governing Council of the Salvation Army Corps 344	2469 South Main St.	\$3,920	
Grace Mennonite Brethren Church	74 Penticton Ave.	\$1,601	
Green Mountain Christian Congregation of Jehovah's Witnesses	52 Roy Ave.	\$3,458	Class 1 Residential portion not eligible for exemption
Hellenic Community Society of Penticton	1265 Fairview Rd.	\$1,379	
Oasis United Church	2964 Skaha Lake Rd.	\$8,749	
Our Redeemer Lutheran Church of Penticton, BC	1370 Church St.	\$1,633	
Penticton Alliance Church	197 Brandon Ave.	\$3,921	
Penticton Bethel Pentecostal Tabernacle	65 Preston Ave.	\$1,975	
Penticton Bethel Pentecostal Tabernacle	945 Main St.	\$6,554	
Penticton Bethel Pentecostal Tabernacle	973 Main St.	\$3,539	
Penticton First Baptist Church	1498 Government St.	\$5,114	
Penticton Free Presbyterian Church	120 Preston Ave.	\$2,781	
Penticton New Beginnings Christian Fellowship	96 Edmonton Ave.	\$851	
Penticton Sikh Temple & Indian Cultural Society	3290 South Main St.	\$5,668	Class 1 Residential portion not eligible for exemption & 5% of Class 8 assessment not eligible for exemption as not usable in relation to worship or charitable works
Penticton United Church	696 Main St.	\$3,272	
Penticton Vineyard Community Church	1825 Main St.	\$10,141	One building housing two organizations; 23,000 square feet of improvements exempt and approx.. 41,000 square feet of land
Roman Catholic Bishop of Nelson (St. Anne's)	1296 Main St.	\$6,021	Class 1 Residential portion not eligible for exemption

<b>Places of Worship cont.</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Seventh-day Adventist Church	290 Warren Ave.	\$4,365	
St. Andrew's Presbyterian Church	157 Wade Ave. W.	\$2,307	
St. Andrew's Presbyterian Church	397 Martin St.	\$1,367	
St. John Vianney Church	361 Wade Ave W.	\$2,878	Class 1 Residential portion not eligible for exemption
St. Saviour's Anglican Church	150 Orchard Ave.	\$4,757	
Victory Church of Penticton	352 Winnipeg St.	\$1,826	Areas of parking lot included in easements are not eligible for exemption
<b>Sub-total:</b>		<b>\$109,052</b>	<b>28 Properties</b>

<b>Schools</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Holy Cross School	1299 Manitoba St.	\$3,091	
Penticton Christian School Society	1060 Main St.	\$746	
<b>Sub-total:</b>		<b>\$3,837</b>	<b>2 Properties</b>

<b>Total Exempted by Permissive Tax Exemption Bylaw No. 2016-57</b>	<b>\$112,889</b>	<b>30 Properties</b>
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**The Corporation of the City of Penticton**

**Bylaw No. 2017-61**

*A Bylaw to amend Permissive Exemption Bylaw*

WHEREAS the *Community Charter* provides specific exemptions for certain type or uses of property;

AND WHEREAS the Council of the City of Penticton has adopted a Permissive Tax Exemption Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend “2017 Permissive Tax Exemption Bylaw 2016-57”;

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 the “Permissive Tax Exemption Amendment Bylaw 2017-61”.

2. AMENDMENT:

2.1 Remove Schedule “B” and replace it with Schedule “B” as attached hereto and forming part of the bylaw.

2.2 The properties described on the attached Schedule “B” shall be permissively exempt from taxation with respect to land and improvements for the year 2018.

READ A FIRST time this	day of	October , 2017
READ A SECOND time this	day of	October, 2017
READ A THIRD time this	day of	October, 2017
ADOPTED this	day of	October, 2017

Notice of intention to proceed with this bylaw was published on the 20 day of September, 2017 and the 27 day of September, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

**Bylaw No. 2017-61 Schedule B : Not for Profits and Societies Exempt for One (1) Year (2018)**

<b>Not for Profits and Societies</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Affordable Living for Today Society	245 Warren Ave. W.	\$3,600	
Care Closet	574 Main St.	\$1,922	
Fraternal Order of Eagles Aerie 4281	1197 Main St.	\$2,918	Class 8 Improvements used for charitable purposes
Governing Council of the Salvation Army Corps 344	2399 South Main St.	\$8,818	
Governing Council of the Salvation Army Corps 344	318 Ellis St.	\$3,635	
LUSO Canadian Multicultural Society of Penticton	135 Winnipeg St.	\$2,163	
Okanagan Boys & Girls Club	1295 Manitoba St.	\$4,928	
Ooknakane Friendship Centre	146 Ellis St.	\$4,593	
Penticton & District Community Arts Council	220 Manor Park Ave.	\$10,090	
Penticton & District Community Resources Society	1160 Commercial Way	\$2,731	
Penticton & District Community Resources Society	150 McPherson Cres.	\$2,573	
Penticton & District Community Resources Society	154 McPherson Cres.	\$2,573	
Penticton & District Community Resources Society	2434 Baskin St.	\$986	
Penticton & District Community Resources Society	2450 Baskin St.	\$990	
Penticton & District Community Resources Society	330 Ellis St.	\$10,952	
Penticton & District Community Resources Society	470 Edmonton Ave.	\$2,780	
Penticton & District Community Resources Society	500 Edmonton Ave.	\$1,011	
Penticton & District Society for Community Living	180 Industrial Ave.	\$12,677	
Penticton & District Society for Community Living	234 Van Horne St.	\$2,426	
Penticton & District Society for Community Living	252 Conklin Ave.	\$1,919	
Penticton & District Society for Community Living	453 Winnipeg St.	\$12,863	
Penticton Art Gallery	199 Marina Way	\$17,715	
Penticton Community Garden Society	480 Vancouver Ave.	\$1,833	
Penticton Curling Club	505 Veas Dr.	\$12,411	
Penticton Disc Golf Club	500 Marina Way	\$1,505	
Penticton Early Childhood Education Society	104 - 550 Carmi Ave.	\$1,463	

<b>Not for Profits and Societies cont.</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Penticton Elks Lodge 51	343 Ellis St.	\$4,679	Apportioned based on area used for liquor sales - 66.12% of land/improvements used for charitable purposes
Penticton Horseshoe Pitchers Club	2905 South Main St.	\$2,234	
Penticton Kinsmen Disability Resource Centre Society	216 Hastings Ave.	\$8,337	
Penticton Kiwanis Housing Society	101 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	102 - 150 Van Horne St.	\$769	
Penticton Kiwanis Housing Society	103 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	104 - 150 Van Horne St.	\$648	
Penticton Kiwanis Housing Society	105 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	112 - 150 Van Horne St.	\$769	
Penticton Kiwanis Housing Society	113 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	115 - 150 Van Horne St.	\$778	
Penticton Kiwanis Housing Society	201 - 150 Van Horne St.	\$777	
Penticton Kiwanis Housing Society	202 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	204 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	209 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	210 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	211 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	212 - 150 Van Horne St.	\$657	
Penticton Kiwanis Housing Society	213 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	214 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	215 - 150 Van Horne St.	\$782	
Penticton Kiwanis Housing Society	301 - 150 Van Horne St.	\$777	
Penticton Kiwanis Housing Society	302 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	304 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	308 - 150 Van Horne St.	\$755	
Penticton Kiwanis Housing Society	310 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	312 - 150 Van Horne St.	\$657	
Penticton Kiwanis Housing Society	314 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	315 - 150 Van Horne St.	\$782	
Penticton Kiwanis Housing Society	401 - 150 Van Horne St.	\$777	
Penticton Kiwanis Housing Society	402 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	404 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	406 - 150 Van Horne St.	\$652	
Penticton Kiwanis Housing Society	408 - 150 Van Horne St.	\$755	
Penticton Kiwanis Housing Society	410 - 150 Van Horne St.	\$655	

<b>Not for Profits and Societies cont.</b>			
<b>Name of Applicant</b>	<b>Civic Address</b>	<b>Estimated 2018 Municipal (General) Tax Foregone</b>	<b>Comment</b>
Penticton Kiwanis Housing Society	412 - 150 Van Horne St.	\$657	
Penticton Kiwanis Housing Society	413 - 150 Van Horne St.	\$655	
Penticton Kiwanis Housing Society	414 - 150 Van Horne St.	\$773	
Penticton Kiwanis Housing Society	415 - 150 Van Horne St.	\$782	
Penticton Lawn Bowling Club	260 Brunswick St.	\$5,161	
Penticton Masonic Building Association	416 Westminster Ave. W.	\$2,711	
Penticton Safety Village	490 Edmonton Ave.	\$3,960	
Penticton Tennis Club	675 Marina Way	\$2,924	
Roman Catholic Bishop of Nelson for PDCRS Pregnancy Support Program	200 Bennett Ave.	\$1,425	
Royal Canadian Legion #40	502 Martin St.	\$4,996	Apportioned based on area used for liquor sales - 60.63% of land/improvements used for charitable purposes
S.S. Sicamous Restoration Society	1099 Lakeshore Dr. W.	\$9,673	
S.S. Sicamous Restoration Society	1101 Lakeshore Dr. W.	\$2,097	
S.S. Sicamous Restoration Society	1175 Lakeshore Dr. W.	\$4,282	
South Okanagan Women in Need Society	102 - 1027 Westminster Ave. W.	\$2,320	
South Okanagan Women in Need Society	Not disclosed	\$3,210	
South Okanagan Women in Need Society	Not disclosed	\$1,095	
The B.C. Society for the Prevention of Cruelty to Animals	2200 Dartmouth Dr.	\$12,944	
<b>Total One (1) Year Exemptions:</b>		<b>\$229,811</b>	<b>78 Properties</b>

# Council Report

pentiction.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Shawn Filice, Electric Utility Manager

File No:

**Subject: Electric Utility Services Bylaw No. 2017-44**

## Staff Recommendation

THAT Council give first reading to "Electric Utility Services Bylaw No. 2017-44";

AND THAT Council direct staff to consult with the community on the proposed electrical changes prior to second and third reading of the bylaw.

## Background

The City of Penticton has elements related to electrical servicing in multiple bylaws; some out of date and others that no longer reflect our operating procedures due to provincial regulation changes and technology. The new "Electric Utility Services Bylaw No. 2017-44" has been developed to combine the electrical service regulations and specifications.

The proposed bylaw will be shared with the Development Services Advisory Committee and the Penticton Industrial Development Association. The draft bylaw will be available for viewing on the city website.

In the course of drafting this bylaw, 104 City of Penticton bylaws, the Electrical Regulation bylaws of five (5) other BC municipalities, FortisBC and BC Hydro's tariff schedules, and six (6) North American Public Electric Utilities conditions of services documents were reviewed. Multiple reviews of "Electric Utility Services Bylaw No. 2017-44" were conducted involving various department managers. Operational efficiencies were discussed with managers and line staff before being presented to Stewart McDannold Stuart Barristers and Solicitors for a legal review.

The relevant changes contained in Bylaw No. 2017-44 are as follows:

1. Revised definitions of Residential and General Services;
2. All new services shall be metered except for Street lighting and Sentinel Lighting;
3. All new services and service upgrades shall be made Underground vs. Overhead. This is implied in the Subdivision and Development Bylaw 2004-81 but it is not explicitly stated;
4. Inclusion of Net Metering requirements:
  - a. Removal of 219 Covenant requirement;

- b. Removal of Statutory Right of Way requirement;
  - c. City of Penticton will purchase excess energy at Wholesale NOT Retail energy rates;
  - d. Customers to pay 100% of the costs pertaining to Net Metering electrical services.
5. Identification of standard voltage and electrical service sizes the Penticton Electric Utility will provide and/or supply;
  6. Clearer language for electrical servicing of strata developments;
  7. Removal of the equivalent of a "latecomers fee" for electrical;
  8. Exclusion of the airports lands from the Electrical Utility Service Area;

Proposed change to the Subdivision and Development Bylaw 2004-81:

1. Net Metering – Relocate from section 8.4 of the Subdivision and Development Bylaw No. 2004-81 to the Electric Utility Services Bylaw No. 2017-44.

Proposed changes to the Fees and Charges Bylaw 2014-07:

1. Rate Code 55 – Housekeeping to reference the appropriate bylaw;
2. Net Metering – City of Penticton will purchase excess energy at Wholesale NOT Retail energy rates;
3. Net Metering – Customers will be responsible to pay all costs associated with the electrical servicing of Net Metering installations;
4. Introduction of a Power Factor Surcharge;
5. Modification to the "Electrical Service Payment Plan" to allow for the inclusion of costs for Micro-DR installations.

Proposed change to Billing Policy:

1. Removed the definition of Bed and Breakfast facilities from the policy and incorporated it into the Electric Utility Services Bylaw No. 2017-44.

## **Analysis**

Should Council proceed with the bylaw, amendments to Subdivision and Development Bylaw No. 2004-81, Appendix 7 of Fees and Charges Bylaw No. 2014-07 and the Billing Policy will be brought to an upcoming meeting for Council's consideration. Draft details are attached for information.

## **Alternate recommendations**

1. THAT Council give first, second and third reading to "Electric Utility Services Bylaw No. 2017-44" and forward it to the Minister of Municipal Affairs and Housing for approval.
2. THAT Council send the "Electric Utility Services Bylaw No. 2017-44" back to staff for further research.

## **Attachments**

Attachment A – "Electric Utility Services Bylaw No. 2017-44"


Attachment B– Proposed Amendments to Appendix 7 of "Fees and Charges Bylaw No. 2014-07"

Attachment C – Proposed Amendments to the "Billing Policy"

Respectfully submitted,

Shawn Filice, MBA, P. Eng.  
Manager, Electric Utility

Approvals

General Manager of Infrastructure 	CFO  JB
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## The Corporation of the City of Penticton

### Bylaw No. 2017-44

*A Bylaw to establish and regulate the Penticton Electric Utility Services.*

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WHEREAS the Council of the Corporation of the City of Penticton considers it desirable and expedient to maintain the municipal Service of an electric utility for the Penticton community and to make regulations, impose requirements, and prohibit in relation to the provision of this Electrical Service;

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

#### **PART 1 – TITLE**

This Bylaw may be cited for all purposes as "Electric Utility Services Bylaw No. 2017-44".

#### **PART 2 – DEFINITIONS**

"**Ampere**" (A) means the unit used for the measurement of the flow of Electricity or Electric Current.

"**Apartment Building**" means a structure containing four or more Dwelling Units having access from an interior corridor system or common entrance.

"**Apparent Power**" means the total Power measured in kilovolt Amperes (kVA).

"**Applicant**" means a person who applies to the City for a new, upgraded, extension or change of Service.

"**Bill**" means the invoice produced by the City for the supply of Electrical Service to the Customer.

"**Billing Date**" means the date a Customer's Bill was prepared by the City and is as indicated on the Bill.

"**Billing Period**" means the period between Meter readings or the period of time which the Bill covers.

"**Bulk Meter**" means one Meter that measures all Electricity used in a building containing multiple Premises.

"**Chief Financial Officer**" means the person appointed to carry out the duties of the Chief Financial Officer as defined in the *Community Charter*.

"**City**" means the Corporation of the City of Penticton.

"**Collector**" means the municipal officer assigned the responsibility as Collector of taxes for the City.

"**Connected Load**" means the sum of all the individual electrical loads in the Customer's Premises.

**"Consumption"** means the amount of Electrical Energy in kilowatt-hours (kWh) as measured or estimated by the City over a given period of time.

**"Corporate Officer"** means the person appointed to carry out the duties of the Corporate Officer as defined in the *Community Charter*.

**"Council"** means the Council of the City.

**"Current"** means the flow of Electricity in a conductor wire(s) or cable(s) measured in Amperes (A).

**"Customer"** means any individual person, partnership or other entity, organization, corporation, firm or government agency, supplied with Electrical Service. Any Customer receiving Electrical Service from the City at more than one location or for more than one separately operated business shall be considered a separate Customer for each such location or for each such business.

**"Customer's Equipment"** means all that part of the Facilities on the Customer's side of the Point of Delivery except the Meter.

**"Demand"** means the rate at which Electric Energy is used in any instant or averaged over any designated period of time, measured in kilowatts (kW) or kilovolt Amperes (kVA).

**"Disconnect"** means a device, group of devices, or other means that will allow the conductors of a circuit to be Disconnected from their source of electrical supply.

**"Distributed Resources"** (DR) means sources of Electric Power that are not directly connected to a bulk Power transmission system. DR includes both generators and Energy storage technologies.

**"Distribution System"** means any network of Electricity that operates at a nominal Voltage of 50,000 V or less and distributes Electric Power between substations and the Point of Delivery.

**"Dwelling Unit"** means one or more rooms for the use of one or more persons as a housekeeping unit with cooking, eating, living, and sleeping facilities.

**"Electric Utility Manager"** means the person appointed as the Manager of the Penticton Electric Utility, or his or her designate, for the City.

**"Electric(al) Code"** means the *Canadian Electrical Code* (C22.1) and BC amendments.

**"Electrical Service"** means the provision of Electricity by the Penticton Electric Utility.

**"Electrical Service Entrance"** means an approved assembly consisting of an enclosure that can be locked or sealed, containing either fuses and a switch, or a circuit breaker, and of such design that it is possible to operate either the switch or circuit breaker to the open position by manual means when the box is closed.

**"Electrical Room"** means a room or space provided in a building to accommodate Electrical Service Equipment for the building including Customers' Equipment and Meters.

**"Electricity"** means either or both Demand and Energy, as the context requires.

**"Embedded Generator"** means an Electrical Generation Facility which is connected on the Customer side of the Point of Delivery to the Distribution System.

**"Energy"** means Electric Consumption, measured in kilowatt hours (kWh).

**"Facilities"** means Equipment or apparatus that has been designed, manufactured, built, constructed or installed to provide Electrical Service.

**"Fees and Charges Bylaw"** means the City's Fees and Charges Bylaw No. 2014-07.

**"General Manager of Infrastructure"** means the person appointed as the General Manager of Infrastructure.

**"General Service"** means a Service for business, commercial, industrial or institutional Premises, or manufacturing Facilities, and includes, but is not limited to, Services to the following:

- a) Farms which are distribution centers for items produced on that Farm or other farms;
- b) Non-Owner occupied home based businesses;
- c) Residential subdivisions and Multi-unit Residential buildings and developments that are not individually Metered. Multi-unit Residential buildings including Apartment Buildings, condominium units, townhouse units and other buildings containing multiple residences;
- d) Auto courts, motels and hotels;
- e) Temporary Service to all buildings, mobile offices set up on a temporary basis while construction projects are underway, such Service to be removed when the construction project is complete;
- f) Any Service other than those specified under the definition of "Residential Service" and/or "Residential/Special Service";
- g) Schools and educational facilities, hospitals and clinical Facilities, churches and halls, recreational establishments; and
- h) Irrigation systems.

**"Generation Facility"** means a Facility for generating Electricity or providing ancillary Services provided by the Electric Utility through the operation of a Distribution System, and includes any structures, Equipment or other things used for that purpose.

**"Horsepower"** (hp) means equivalent to 746 Watts.

**"House Meter"** means that portion of the Electrical Service in Premises with multiple Owners or Occupiers which is common to all Occupants, and includes parking lot lighting, sign Service, corridor and walkway lighting, hallway heating and cooling.

**"Interconnection"** means the result of the process of Electrically connecting a DR System in parallel to a Distribution System.

**"Inverter"** means a Power electronic device that converts direct Current Power into alternating Current Power.

**"Joint Use Contract Agreement"** means an agreement between Penticton Electric Utility and a public utility that has connected its works or Equipment to Penticton Electric Utility's Distribution System.

**"kilovolt Ampere"** (kVA) means the product of the effective Voltage (V) across the terminals of an Electric circuit by the effective Current (measured in Amperes (A)) through it, divided by 1,000.

**"kilowatt"** (kW) means 1,000 Watts (W).

**"kilowatt hour"** (kWh) is the measure of Electrical Energy generated, transmitted or Consumed over a specified period.

**"Maximum Demand"** means the greatest measured Demand averaged over a period of not more than 32 consecutive minutes during a Billing Period.

**"Measurement Canada"** is the Federal institution of Innovation, Science and Economic Development Canada. It is responsible for ensuring accuracy in the selling of measured goods, developing and enforcing the laws related to measurement accuracy, approving and inspecting measuring devices and investigating complaints of suspected inaccurate measurement.

**"MegaWatt"** (MW) means 1,000 kilowatts (kW).

**"Meter"** means any device used for measuring either or both the Demand and Consumption of Electricity.

**"Meter Installation"** means the Meter and, if so equipped, the instrument transformers, wiring, test links, fuses, lamps, loss of potential alarms, Meters, data recorders, telecommunication Equipment and spin-off data Facilities installed to measure Power past a Meter point, provide remote access to the Metered data and monitor the condition of the installed Equipment.

**"Micro-Distributed Resource"** (Micro-DR): means a DR with an operating output Voltage of 750 V or less.

**"Micro-DR System"** means the aggregate Micro-DR, Inverter(s), Interconnection system(s), control system(s), sensing device(s) or function(s), and protection devices and functions to the point of Micro-DR connection.

**"Month"** means a period of from twenty-seven (27) to thirty-five (35) consecutive days.

**"Multi-unit Residential"** means any detached building divided into three (3) or more Dwelling Units and may include shared entrances, exits and other essential facilities and services and Dwelling Units separated by common party walls, each with its own separate entrance or exit or three or more manufactured homes located on a parcel and suitable for year-round occupancy.

**"Net Metering"** means the use of a Net Metering System and billing practice that allows for the flow of Electricity both to and from the Customer through a single, bi-directional Meter.

**"Net Metering System"** means a facility for the production of Electric Energy that:

- a) Uses as its fuel, a source defined as a clean and renewable resource in the BC Energy Plan;
- b) Has a design capacity of not more than 50 kW;
- c) Is located on the Customer's Premises and is owned by a Customer;
- d) Is a Parallel Operation;
- e) Offsets part or all of a Customer's Electricity requirements per Billing Period; and
- f) May produce Electricity in excess of a Customer's Electricity requirements per Billing Period for sale to the Penticton Electric Utility.

**"Occupier"** has the meaning given to the term in the *Community Charter*.

**"Outstanding Balance"** means any monies owed to the City by a Customer for fees, rates, charges, penalties, interest, retrofit loans, payment plan arrangements or security deposits.

**"Owner"** has the meaning given to the term in the *Community Charter*.

**"Parallel Operation"** means the simultaneous energization of a Point of Delivery by the Distribution System and the Micro-DR System.

**"Penticton Electric Utility"** means the City's Electric Utility Department.

**"Penticton Electric Utility's Equipment"** means the Distribution System and Meters.

**"Point of Delivery"** the location at which the Service Connection is connected to the Metering Equipment or the Customer's Electrical Facilities, whichever is connected closest to the Distribution System.

**"Power"** means the time rate of Electrical Energy being generated, transmitted or Consumed measured in kilowatts (kW), Real Power or kilovolt Amperes (kVA) or Apparent Power.

**"Power Factor"** means the percentage determined by dividing the Customer's Demand measured in kilowatts (kW) by the same Demand measured in kilovolt-Amperes (kVA) (i.e. Real Power/Apparent Power or kW/kVA).

**"Premises"** means land, a building or a structure or a part of land, a building or structure or a combination of these used or occupied by a Customer.

**"Primary Metered"** means the Metering Installation is located on the Penticton Electric Utility's side (line side) of the Service Transformation Equipment.

**"Primary Voltage"** means a Voltage of 750 volts (V) or more measured phase to phase.

**"Real Power"** means the Power component required to do real work, which is measured in kilovolt Amperes (kW).

**"Regular Business Hours"** means 7:00AM to 2:45PM Monday through Friday, excluding Statutory and Civic holidays.

**"Residential Service"** means a Service for a Dwelling Unit.

**"Residential/Special Service"** means a Service for a Dwelling Unit where a small portion of the Energy supplied through the residential Meter is used for a business purpose.

**"Secondary Metered"** means the Meter Installation is located on the Customer's side (load side) of the Service Transformation Equipment.

**"Secondary Voltage"** means a Voltage of 750 volts (V) or less measured phase to phase.

**"Service"** means Electrical Facilities in use for the provision of Electricity as required to a Customer's Point of Delivery.

**"Service Connection"** means that part of the Penticton Electric Utility's distribution Facilities extending from the first attachment point on the Penticton Electric Utility's Distribution System to the Point of Delivery.

**"Service Extension"** means an addition to, or extension of the Penticton Electric Utility's Distribution System including an addition or extension on public or private property that is required to Service a new development or subdivision and which is capable of servicing land other than the land of new development or subdivision.

**"Subdivision and Development Bylaw"** means the City's Subdivision and Development Bylaw No. 2004-81.

**"Technical Safety BC"** formerly called BC Safety Authority, the body that administers the *Safety Standards Act of British Columbia*.

**"Temporary Service"** means an Electrical Service to Premises that is less than thirty (30) Meters in length over private property and is to provide Power for construction work only on the Premises and terminates within one (1) year.

**"Transformation"** means those items including switches, transformers, Metering, Equipment, cut-outs, fuses, surge arresters needed to provide the required Voltage, Current and Equipment protection at a particular point in the Electrical Distribution System.

**"Un-metered Electrical Service"** means a Service provided to a Customer that is not Metered and is billed based upon estimated Power usage.

**"Underground Service"** means an underground Electrical Service to a Customer, from a pole, pad-mount transformer or Service box and that is privately owned and maintained by the Customer and connected to the Customer's Premise at the Meter base via an underground conduit system.

**"Voltage"** (V) means the difference in Electrical potential between two points of an Electrical system measured in volts.

"Watt" (W) is the unit of measurement for the Power required to perform work at the rate of one joule per second.

### **PART 3 – SERVICE**

#### **3.1 Service Area**

Council establishes the Electrical Service within the boundaries of the City except for the area shown as "excluded area" on the map in Schedule "A" and this Bylaw applies to all the lands within the City boundaries except for the area shown as "excluded area" on the map in Schedule "A".

#### **3.2 Responsibilities**

- a) The Electric Utility Manager is the head of the operational division of the Penticton Electric Utility and shall be responsible for:
  - i) The operation, maintenance, repair and upgrading of the Penticton Electric Utility;
  - ii) The management of all employees engaged in the operational division of the Penticton Electric Utility; and
  - iii) Ensuring that all records and information with respect to all new and existing Electrical Service Connections and Disconnections are accurately kept and reported to the administration division of the Penticton Electric Utility to facilitate proper charges and accounts for Electrical Services;
- b) The General Manager of Infrastructure is the head of the management division of the Penticton Electric Utility and shall be responsible for the overall management of the Penticton Electric Utility, including, but not limited to, such matters as labour relations, supervision of senior personnel and further to act as liaison between City Council and other divisions of the City;
- c) The Chief Financial Officer is the head of the administration division of the Penticton Electric Utility and shall be responsible for the:
  - i) Preparation, control and management of the administrative and financial records of the Penticton Electric Utility;
  - ii) Classification of electrical rates;
  - iii) Collection of fees and charges for the provision of this Electrical Service; and
  - iv) Filing and amending the Fees and Charges Bylaw; and

- d) The Corporate Officer is responsible for the preparation and filing at the Land Title Office of statutory rights of way, and the preparation of other agreements in relation to the Electrical Service.

## **PART 4 – PROVISION OF SERVICE**

### 4.1 General Conditions

- a) The supply of Electrical Services shall be in accordance with this Bylaw;
- b) A person who desires an Electrical Service, or who uses or is required to apply for Electrical Service under this Bylaw, must complete an application on the form provided by the Penticton Electric Utility and submit it, along with applicable fees, to the Penticton Electric Utility; and
- c) The Penticton Electric Utility will not perform any work on Customer's Equipment except in respect of the Meter Installation. All work at a Customer's Premises must be completed by qualified personnel at the Customer's expense; however, the Penticton Electric Utility may work on a Customer's Equipment to isolate Power for safety purposes or in accordance with other provisions in this Bylaw.

### 4.2 Electrical Service Classifications

#### a) Residential Service

For most residential uses, the Electrical Service will be 60 hertz, normally 200 amps single-phase 120/240 volts 3 wire or three-phase 120/208 volts, either 3 wire (network) or 4 wire. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Code of the Residential Service Connection based on these variables;

Residential Service Rate Codes:

- A. Rate Code 10 - Residential: Includes detached Dwelling Units, one unit of a semi-detached duplex, triplex, or quadruplex with residential zoning; and separately Metered Dwelling Units within a strata building, town house complex or Apartment Building;
- B. Rate Code 15-Residential/Special Service: Includes Owner-occupied home based businesses which include but are not be limited to home occupations including bed and breakfast businesses, vacation rentals, secondary suites and carriage homes; and
- C. The City's Business Licence database will be used as a source of information for the determination of the applicable Rate Code.

#### b) General Service

For all non-residential uses, the Electrical Service will be 60 hertz, single or three-phase at Secondary or Primary Voltage. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Codes of the General Service Connection;

- i) General Service Rate Codes:
  - A. Rate Code 20 – General: Secondary Metered and City-Owned Transformation (Secondary Service Connection);
  - B. Rate Code 25 – General: Primary Metered and City-Owned Transformation (Secondary Service Connection);
  - C. Rate Code 30 – General: Secondary Metered and Customer-Owned Transformation (Primary Service Connection);
  - D. Rate Code 35 – General: Primary Metered and Customer-Owned Transformation (Primary Service Connection); and
  - E. Rate Code 45 - General - City Accounts.

c) Un-metered Service

The Electrical Service will be 60 hertz, single-phase 120 volts 2 wire or 120/240 volts 3 wire. The Penticton Electric Utility shall determine the Voltage, phase(s) and Rate Code of the Un-metered Service Connection;

- i) Un-metered Service Rate Codes:
  - A. Rate Code 55 - Street Lighting and Other Un-metered Loads including lighting of public highways, streets and lanes, squares and parks, illuminated street signs and traffic signals.
- ii) Specifications for Customer-Owned Equipment
  - A. Lighting loads will be connected to a control device such as a photoelectric eye so that the fixtures operate only from dusk to dawn;
  - B. Lighting fixtures and lamp types must be of a design acceptable to the Electric Utility Manager;
  - C. Customer-owned fixtures may be installed on suitable City poles by City crews at the Customer's expense based on actual cost of installation plus an administration charge; and
  - D. Any maintenance of customer-owned Equipment by the City's crews will be at the Customer's expense.

### 4.3 Application for Electrical Service

- a) Applications for Electrical Service are required for any of the following:
  - i) Connection of a new Electrical Service;
  - ii) Change of Electrical Service location;
  - iii) Connection of a Micro-DR System;
  - iv) A new Customer locating to an existing Electrical Service;
  - v) Transfer of a Customer's account to another Premises;
  - vi) An increase in the Customer's Electrical load requirements; or
  - vii) An Electrical Service Extension.
- b) As a condition of supplying or continuing to supply Electrical Service, the Applicant or Customer must pay the required connection fees and other charges established in the Fees and Charges Bylaw;
- c) The Customer must supply the Penticton Electric Utility with accurate information on their Electrical load requirements. The City shall not be responsible for any loss, cost or damages suffered by any Customer as a result of Electrical Service being provided based on inaccurate information;
- d) In the absence of an application for Electrical Service, the supply of Electricity by the Penticton Electric Utility to Premises shall be deemed a supply of Electricity to a Customer subject to terms and conditions of this Bylaw;
- e) The Penticton Electric Utility may refuse to approve an application for Electrical Service when any of the following conditions apply:
  - i) Penticton Electric Utility Facilities are not available to supply an Electrical Service;
  - ii) The Applicant's Facilities are not satisfactory to the Penticton Electric Utility or do not meet the minimum requirements of the Technical Safety BC; and
  - iii) The application for Electrical Service is for Premises that the Applicant occupies with another Occupant who has had the Electrical Service Disconnected for non-payment of an Outstanding Balance.
- f) A Customer must not substantially increase his or her Connected Load without first obtaining approval from the Penticton Electric Utility under a separate application;

- g) A Customer must not use the Electrical Service or any part of it for any other purpose than that for which the application is made and must comply with this Bylaw and the Fees and Charges Bylaw;
- h) When there is a change in Ownership or tenancy on any existing Electrical Service Connection, the new Owner or Occupier who wishes to have the Service continued must submit an application for Electrical Service together with the applicable fees in accordance with this Bylaw and the Fees and Charges Bylaw;
- i) If the Outstanding Balance for any amount owing for an Electrical Service remains unpaid by December 31, the Outstanding Balance is a debt owing to the City, and among other remedies, may be collected in the same manner as for property taxes in arrears; and
- j) The utility account for an Electric Service to a Multi-unit building where a Bulk Meter is used, shall be maintained in the name of the Owner or Occupier of the Premises. Where there is a strata development involved, the account is to be maintained in the name of the Strata Corporation.

#### 4.4 Maximum number of Electrical Services

- a) Unless otherwise authorized by the Penticton Electric Utility, the maximum number of Electrical Services per parcel is one; and
- b) In circumstances where two or more existing Electrical Services are installed to a parcel, and one Electrical Service is to be upgraded, the upgraded Electrical Service will incorporate or replace the existing Electrical Service.

### **PART 5 – DISCONNECTION OF ELECTRICAL SERVICE**

#### 5.1 Termination of Electrical Service by the Customer

If the Customer is relocating, or for any reason, no longer requires the Electrical Service, the Customer shall notify the City at least three (3) business days prior to the date the Electrical Service is no longer required or as otherwise provided in this Bylaw. Until the date the Electrical Service is no longer required as set out in the notice of termination, the Customer shall continue to be responsible for the costs of all Electrical Service supplied to the Premises unless and until the City receives an application for Electrical Service from a new Customer for that Premises or confirmation from the City's Building Department that a demolition permit has been issued in relation to the Premises.

#### 5.2 Non-Payment of Fees, Charges or Security Deposit

The Penticton Electric Utility may discontinue or limit the supply of Electricity to a Customer for non-payment of any fee, charge penalty or interest imposed under the provisions of this Bylaw or the Fees and Charges Bylaw.

### 5.3 Breach of Conditions

If the Electric Utility Manager considers that a Customer or an Owner or Occupier of a Premises has contravened this Bylaw or the Fees and Charges Bylaw, the Electric Utility Manager may, by written notice, inform the person of the contravention, and that, unless the contravention is remedied and compliance achieved within twenty-one (21) days from the date of the notice, the City may discontinue the Electrical Service subject to the following:

- a) A person subject to a notice under this section may make representations to Council by notifying the Corporate Officer in writing on or before the expiry of five (5) business days from the date the notice of discontinuance was received, that he or she wants a hearing before Council at the next meeting of Council;
- b) The Electrical Service of the person who has provided the notice in section 5.3(a) to the Corporate Officer will not be discontinued until after the hearing before Council;
- c) A person who has requested a hearing before Council under section 5.3(a) may make representations in written form or in person, or by way of a representative with respect to the contravention and notice;
- d) After providing an opportunity for the person to be heard and considering any submissions from that person and any evidence relevant to the matter, may confirm, vary or cancel the notice. The decision of Council is final, subject only to a review by a court of competent jurisdiction; and
- e) If the decision by Council following a hearing opportunity is to discontinue Service, the Electrical Service may be discontinued immediately thereafter, provided it is not before the expiry of the twenty-one (21) day notice period referred to in section 5.3.

### 5.4 Customer Request to Maintain Primary Voltage Connected Facilities

Where the Point of Delivery is at Primary Voltage, the Customer:

- a) Has the right to have the Electric Service Disconnected, for the purpose of maintaining privately owned Electrical Equipment by notifying the Electric Utility Manager, in writing, three (3) business days in advance of the maintenance work being scheduled. This notice is to include both the date and time the Service is to be disconnected; and
- b) Will be provided with one free Disconnect/reconnect for maintenance of the existing Service for each Point of Delivery each calendar year unless the Disconnection/reconnection of the Service is outside of Regular Business Hours, in which case the Disconnect/reconnect fee under the Fees and Charges Bylaw will apply.

### 5.5 Reconnection of Electrical Service

Any Electrical Service Disconnected under the provisions of sections 5.2, 5.3 or 5.4 of this Bylaw shall not be reconnected until the following conditions are met:

- a) In respect of disconnection under section 5.2 - when the Outstanding Balance has been paid in full, along with any fees and charges owing as a result of the Disconnection and reconnection of the Electrical Service;
- b) In respect of Disconnection under section 5.3 - when the breach has been remedied to the satisfaction of the Electric Utility Manager and any fees and charges for Disconnection and reconnection of the Electrical Service have been paid in full;
- c) If an Electrical Service has been Disconnected for any reason, for a period exceeding one-hundred and eighty (180) days, or the Electrical use within the Premises has changed substantially, or if the Service for Primary Metered Customers was Disconnected for maintenance purposes under section 5.4 above; an Electrical inspection by a qualified person as set out by the Technical Safety BC, at the Customers' expense, may be required by the Penticton Electric Utility prior to reconnection of the Electrical Service; and
- d) Electrical Service reconnect fees will apply as established in the Fees and Charges Bylaw.

## 5.6 Suspension of Supply

Despite any other provisions of this Bylaw, the Penticton Electric Utility may cause the supply of Electricity to any Customer, to be suspended, without notice, if any of the following conditions apply:

- a) The Electrical Service at a Premises is hazardous or has the potential to create an imminent hazard to life or property;
- b) Repairs on or improvements to any of its Distribution System and Meters must be made;
- c) There is a shortage of supply of Electrical Energy;
- d) Suspension is necessary in the circumstances of a storm, fire, flood or other sudden emergency;
- e) There is fraudulent use of Electricity; or
- f) The Penticton Electric Utility is ordered by another authority having jurisdiction to suspend or terminate an Electrical Service.

## **PART 6 – CONDITIONS OF ELECTRICAL SERVICE**

### 6.1 Electrical Service Regulations

Any person, installing, constructing, altering, repairing, upgrading or maintaining any Electrical Facilities in the Service Area shall do so according to the Service Regulations and Specifications outlined in Schedule "B" and subject to any requirements of the *Safety Standards Act of British Columbia*.

## 6.2 Access

- a) The Customer shall grant the City's employees or agents full access to the Customer's Equipment and the Penticton Electric Utility Equipment at all reasonable times for Meter reading and testing, removal, installation, Electrical Service inspections, maintenance, or repair;
- b) If ready access to the City's Facilities are denied or obstructed in any manner, including without limitation by the presence of animals, and the Customer takes no action to remedy the obstruction upon being advised by the City's employees or agents, Electrical Service to the Customer may be suspended by the Penticton Electric Utility and not reconnected until the obstruction is corrected and in these circumstances, section 5 of this Bylaw applies; and
- c) Where any of the Penticton Electric Utility's Equipment is located in Premises that are secured or locked, the following shall apply:
  - i) Access must be made available through the use of LSDA (Locksmith Dealers of America) keys;
  - ii) If the City's employee or agent deems it necessary, the Customer shall supply the City's employee or agent with keys, security codes or other means to access the area;
  - iii) The City shall accept keys only in circumstances where the City's employee or agent considers it convenient and necessary to have its Meters or Facilities in a common area; and
  - iv) The City's employees or agents are not obligated to accept custody of keys and the City retains the right, at its sole discretion, to require that its Meters or Facilities be located or relocated to an area the Penticton Electric Utility considers appropriate and where locks are not required.

## 6.3 Embedded Generation

- a) The City may permit Embedded, Standby and/or Micro-DR Generation Facilities in its Service Area, subject to the standards of the Penticton Electric Utility, the Electrical Code and the *BC Safety Standards Act*;

- b) Customers considering using Embedded Generation technology shall apply to the Electric Utility Manager and obtain approval in advance of the Penticton Electric Utility installing the bi-directional Meter;
- c) Standby (non-parallel):
  - i. The Customer may, at their own expense, install standby generation Facilities to provide Electrical Service in the event of a disruption of Electrical Service from the Penticton Electric Utility; and
  - ii. Without written approval for a variance from the Electric Utility Manager; standby Generation Facilities shall be installed so that they remain at all times Electrically isolated from the Penticton Electric Utility's Electrical System and shall be installed in such a way that it is not possible for the Generating Facilities to operate in parallel with the Penticton Electric Utility's Electrical System;
- d) Micro-DR (parallel):
  - i. The Customer may, at their own expense, install Micro-DR Facilities to generate their own Electricity to offset part or all of the Electric Energy provided by the Penticton Electric Utility subject to the following restrictions:
    - A. The output shall not exceed 750 volts; and
    - B. The size shall not exceed 50kW without written authorization from the Electric Utility Manager.
  - ii. A Customer who generates Electricity in excess of that Customer's Electrical requirements within a Billing Period shall be reimbursed for the Electricity that is provided to the Penticton Electric Utility during the Billing Period as measured by the bi-directional Meter in accordance with section 8.4 of this Bylaw and the Fees and Charges Bylaw;
  - iii. Micro-DR Generation Facilities must use as its fuel, a source defined as a clean and renewable resource in the BC Energy Plan. The fuel source must also comply with the City's Bylaws; and
  - iv. The Micro-DR System must be Inverter based and meet the anti-islanding requirements of the Canadian Standards Association and Specifications outlined in Schedule "B"; and
- e) The Customer's Electrical Generating Facilities shall not be operated without the prior inspection and written approval of the Penticton Electric Utility, and the Micro-DR

Facilities shall not be modified thereafter without the prior written approval of the Penticton Electric Utility.

## **PART 7 – METERING**

### **7.1 Installation**

Unless approved in writing by the Penticton Electric Utility, all Meter Installations necessary for measuring the Customer's use of Electricity will be installed by the Penticton Electric Utility and the entire cost of such Installations shall be paid for by the Customer. The Meter Installations shall remain the property of the Penticton Electric Utility and shall be maintained in accurate operating condition in accordance with the requirements of *Measurement Canada*. The Penticton Electric Utility, at its sole discretion subject to any Customer options provided in section 4 and Schedule "B" of this Bylaw, shall determine the type of Meter used.

### **7.2 Protection of Metering Equipment**

The Customer shall exercise all reasonable diligence to protect the Meter Installation from damage or defacement and shall be responsible for any costs of repair or cleaning resulting from defacement or damage of the Meter Installation unless caused by the City's employees or agents.

### **7.3 Meter Connections by Penticton Electric Utility Only**

The Penticton Electric Utility or its agents shall perform all connections, Disconnections of Electrical Service and Installation and repair of the Penticton Electric Utility's Meter Installation. All Meter Installations installed by the Penticton Electric Utility shall be sealed. No person shall break the seals or otherwise damage or tamper or interfere with the Meter Installation, or related Equipment.

### **7.4 Meter Testing**

- a) The Penticton Electric Utility will test a Meter, for accuracy, in the following circumstances:
  - i) The Customer has made a request for a Meter test in writing; and
  - ii) The Customer has paid the required fee for a Meter test as established in the Fees and Charges Bylaw;
- b) If a Customer has satisfied the conditions in section 7.4(a), the Penticton Electric Utility will endeavour to:
  - i) Remove the Meter within ten (10) business days; and
  - ii) Apply to an accredited Meter inspector to have the Meter tested.

- c) After obtaining the results of a Meter test, the Penticton Electric Utility shall advise the Customer of the test results:
  - i) If the Meter failed to meet the Current Metering standards, the Meter test fee shall be refunded; and
  - ii) If the Meter failed to meet the allowable limits as set by the *Federal Weights and Measures Act* the City shall adjust the Customer's previous invoices in accordance with the *Federal Electricity and Gas Inspection Act*.

#### 7.5 Metering and Meter Location

The Customer shall provide and maintain an Electrical Service Entrance and Meter Installation location approved by the Penticton Electric Utility and as established in Schedule "B".

#### 7.6 Demand Metering

The Penticton Electric Utility may install a Meter that measures Demand for any Electrical Service it deems necessary based on:

- a) The Customer's Load requirements;
- b) The Penticton Electric Utility's estimate of Consumption; or
- c) The previous Consumption used at the Premises.

#### 7.7 Un-metered Electrical Service

If an Un-metered Electrical Service exists, the Penticton Electric Utility, can estimate the Energy used for the Un-metered Electrical Service based on the Connected Load and hours of use. Any Customer served under this provision must promptly advise the Penticton Electric Utility within one business day of any changes in load or hours of use.

### **PART 8 – METER READING AND BILLING**

#### 8.1 Meter Reading Schedules

Meters will be read at the end of each Billing Period and the Penticton Electric Utility will read each Meter as close to the same day of the Month from the Billing Period in the previous Billing Period reading as practical.

#### 8.2 Estimates of Meter Readings

If, for any reason, the City does not obtain a Meter reading, for a Billing Period, the Collector may estimate the Customer's Meter reading by using historical Consumption information from its records.

### 8.3 Record of Meter Readings

The Penticton Electric Utility will keep a record of all Meter readings which shall form the basis for determination of all amounts charged to the Customer for Electrical Service.

### 8.4 Rates for Electricity

The Customer shall pay for Electrical Service in accordance with the Customer's applicable Rate Code as specified in this Bylaw and the Fees and Charges Bylaw.

When paying Net Metered Customers for any excess Energy generated by the Customer, the Penticton Electric Utility shall use the applicable Energy rate as specified in the FortisBC Electric Tariff Schedule 40 as amended from time to time.

### 8.5 Prorated Billings

The Penticton Electric Utility may prorate the basic charges per day based upon the number of days of Service used in the Billing Period where the Service was used, connected, or cancelled.

### 8.6 Changes in Rates

If the rates charged to the Customer for Electrical Service change and the effective date of the change falls between two consecutive Meter readings, the Penticton Electric Utility may calculate the Billing on a prorated basis.

### 8.7 Sales taxes or other Assessments

The Customer, in addition to any payments for Electrical Service, shall pay to the City the amount of any sales taxes, other taxes, assessments or levies imposed by the taxing authority on any Electrical Service delivered to the Customer by the City.

### 8.8 Payments for Electrical Service

Once a Bill is issued, the following conditions apply to the Customer for payment:

- a) All accounts are due and payable within twenty-two (22) days of the Billing Date indicated on the Bill;
- b) Any Outstanding Balance due that remains on an account after twenty-two (22) days from the Billing Date shall be considered overdue;
- c) A late-payment penalty or prompt payment discount may be added to the account as per the Fees and Charges Bylaw;

- d) A dispute over the accuracy of a Meter reading or an estimated Meter reading shall not permit or excuse a Customer from the requirements for payment of a Bill or any other requirements under this Bylaw; and
- e) Any Outstanding Balance due that remains unpaid after twenty-two (22) days from the Billing Date may be recovered by the City using debt collection procedures.

#### 8.9 Electrical Service for Customer's Use

Electrical Service supplied to a Customer shall be for the use of that Customer only and only for the purpose for which the Customer applied. A person must not re-meter, sub-meter or sell Electricity from an Electrical Service to others unless the Customer is charging a tenant for Electricity provided on the Customer's Premises and is charging the same price for the Electrical Service as the City charges the Customer.

### **PART 9 – LIABILITY & RESPONSIBILITIES MAINTENANCE, VOLTAGE AND SUPPLY**

#### 9.1 Voltage and Supply

The Penticton Electric Utility:

- a) Will supply nominal 60 hertz Alternating Electric Current to the Point of Delivery at the available phase and Voltage; and
- b) Shall determine the Voltage of the Electrical Service Connection in accordance with Schedule "B".

#### 9.2 Quality of Supply

The Penticton Electric Utility does not guarantee the continued supply of its Voltage or frequency and is not responsible for damage caused by any variation from the standard nominal Voltage and frequency in Schedule "B" or from the CSA CAN3-C235-83 "Preferred Voltage levels for Alternating Current systems, 0 to 50,000V (2015)" standard; when occasioned by circumstances beyond the reasonable control.

#### 9.3 No Guarantee of Supply

- a) The Penticton Electric Utility does not guarantee a constant supply of Electricity and is not responsible for any loss, injury, damage or expense caused by or resulting from any interruption, termination, failure or defect in the supply of Electricity, whether caused by the Penticton Electric Utility, its employees or agents, or otherwise;
- b) Planned Capital, Operating and Maintenance activities of the Penticton Electric Utility may require Power to be turned off or reduced to various Customers; this work will be done during Regular Business Hours. Where a Customer requests such planned

activities to be done outside of Regular Business Hours, then, the Customer shall pay the actual costs of the work;

- c) Customers requiring a higher degree of security than that of normal supply, including but not limited to, an uninterrupted source of Power supply or a supply completely free from fluctuation and disturbances, are responsible to provide their own Power supply (such as, UPS, back-up or standby Equipment) or Power conditioning Equipment. Customers may require special protective Equipment on their Premises to minimize the effect of momentary Power interruptions; and
- d) Customers requiring a three-phase supply should install protective apparatus to avoid damage to their Equipment, which may be caused by the interruption of one or more phases, or non-simultaneous switching of phases of the Penticton Electric Utility Distribution System.

9.4 No Customer shall cause damage to the Penticton Electric Utility's Equipment by:

- a) Making unauthorized alterations to the Facilities or additions which result in the Customer's Connected Load being above that approved by the City;
- b) Allowing the malfunction of the Customer's Electrical Equipment;
- c) Allowing trees, other vegetation or any other object on private property that interferes with the Penticton Electric Utility's Equipment;
- d) Causing or permitting damage or defacement of the Penticton Electric Utility Equipment or the Customer's Equipment; or
- e) Not complying with any provision of this Bylaw.

9.5 The Owner or Occupier of a building must pay for the cost of the decontamination and for replacement or repair of any and all of the Penticton Electric Utility's Equipment, as a result of an incident at or near the Owner or Occupant's building, where the Penticton Electric Utility's Equipment have been damaged or contaminated by a hazardous substance or dangerous good.

9.6 Where it is determined that a Customer has tampered or interfered with the Penticton Electric Utility's Equipment or otherwise used the Electrical Service in an unauthorized way, all costs incurred by the Penticton Electric Utility in repair, replacement, installation, reinstallation or other remedial action shall be a debt of the Customer owed to the City and if not paid by December 31st of that year may be recovered by the City including as if for property taxes in arrears.

9.7 The Customer must pay to the Penticton Electric Utility all costs, damages, or losses arising from the Customer exceeding its Demand limit, including without limitation, direct or consequential costs, damages or losses arising from any penalty incurred by the Penticton

Electric Utility for exceeding its Demand limit with the Penticton Electric Utility suppliers of Electricity.

9.8 Shared Property - Other Utilities

Electrical Services under this Bylaw may sometimes be provided by the Penticton Electric Utility via property and Electrical Services provided by or shared with other communication and electric utility providers. It is a condition of Service that any loss or damages, direct or indirect, which may be due to any interruption in or failure to provide Electrical Service are not recoverable from the Penticton Electric Utility.

9.9 Customer Responsibilities

The Customer or Occupier or Owner of the Premises must ensure that vegetation growing on its Premises is kept clear of Primary Voltage and Secondary Voltage lines. Three (3) Meters of clearance from Primary Voltage lines and one (1) Meter of clearance from Secondary Voltage lines must be maintained.

**PART 10 – OFFENCES AND PENALTIES**

10.1 A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and to the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* (British Columbia) or the *Offence Act* (British Columbia). The penalties imposed under this sub-section are in addition to and are not a substitute for any other remedy to a violation of this Bylaw.

10.2 Each day a violation of the provisions of this Bylaw occurs or is permitted to exist shall constitute a separate offence.

**PART 11 – SEVERABILITY**

If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

**PART 12 – GENERAL PROVISIONS**

12.1 Notices

Any notices, direction or other instrument required to be given by the City or by the Customer under this Bylaw shall be deemed to have been received on the following dates:

- a) If sent by electronic mail or facsimile - on the next business day following the date of transmission; or
- b) If delivered by hand - on the next business day following the date of delivery.

12.2 Unpaid Fees or Charges

Where any unpaid fees or charges are added to the property taxes they shall thereafter accrue interest and be recoverable in the same manner as outstanding property taxes.

12.3 Schedules

Schedules "A" and "B" are attached to and form part of this Bylaw.

**PART 13 – REPEAL**

The Corporation of the City of Penticton Bylaw No. 2000-36, Bylaw No. 45, Bylaw No. 3794, and Bylaw No. 1277 together with all amendments thereto, is hereby repealed.

READ A FIRST time this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Minister of Municipal Affairs and Housing this	day of	, 2017
ADOPTED this	day of	, 2017

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Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

### SCHEDULE "A"

### PENTICTON ELECTRIC UTILITY EXCLUDED AREA



**SCHEDULE "B"****ELECTRICAL SERVICE REGULATIONS AND SPECIFICATIONS****DISTRIBUTION ACTIVITIES – GENERAL****B.1 Electrical Services, Inspections and Connections**

- a) All single-phase temporary and new residential Electrical Services shall be 120/240 volt 3-wire;
- b) Unless otherwise approved by the Penticton Electric Utility, any new and upgraded Electrical Services shall be provided as an Underground Service, with the installation of ducts, foundations, Service boxes and pads built to the Current standards and specifications of the Penticton Electric Utility;
- c) All Multi-unit Residential Premises must be serviced by one Point of Delivery, which shall be placed in a location approved by the Penticton Electric Utility and as close to the point of supply as possible and not in an area where the Equipment could be exposed to dangerous or hazardous conditions;
- d) The Penticton Electric Utility shall own all Penticton Electric Utility Equipment and Facilities;
- e) All Customer's Equipment is owned by the Customer and shall be installed in a manner acceptable to the Penticton Electric Utility and inspected and approved by the Technical Safety BC;
- f) When installing Penticton Electric Utility Equipment underground, duct banks shall be inspected and approved by the Penticton Electric Utility prior to the pouring of concrete and backfilling. The completed ducts must be brushed and mandrel tested by the contractor in the presence of the Penticton Electric Utility representative and shall be clear of all extraneous material. In the event that the ducts are blocked, the Customer will be responsible for clearing the ducts prior to the cable installations. Only qualified contractors having, at a minimum, an Underground Raceway ("UR") Field Safety Representative ("FSR") can oversee the installation of the ducts. The contractor must not make any connections to existing concrete duct banks, Service boxes, transformers, and manholes without permission and supervision from the Penticton Electric Utility;
- g) Overlap of Electrical Services – In certain situations where an existing Service is being upgraded or relocated, the Penticton Electric Utility may allow two Services to be energized for a period of up to fifteen (15) days to provide the Owner with adequate time to transfer all internal circuits to the new system. Prior to any overlap of Services, the Customer must obtain approval from the Penticton Electric Utility and the Technical Safety BC. The Penticton Electric Utility reserves the right to disconnect the non-permanent Service should the fifteen (15) day overlap period be exceeded;

- h) Customer Equipment must not be extended across, under or over a street, lane, alley or other public or private space not owned by the Customer for the purpose of Servicing more than one Premise through one or more Meters; and
- i) It is the Customer's sole responsibility to acquire any easements or statutory rights of way required by the Penticton Electric Utility, to permit the installation of an Electrical Service to a Customer that are over real property not owned by the Customer. These easements or statutory rights of way must be registered in the Land Title Office prior to the installation of any Facilities and the Service being energized.

## **B.2 New and Upgraded Electrical Services:**

Subject to section B.4 – "Notice Periods" of this Schedule, the Penticton Electric Utility will connect a new, or upgraded Electrical Service to the Owner's or Occupier's Premises, after receipt of:

- a) Payment of all connection and installation fees and charges;
- b) Technical Safety BC approval;
- c) Any other permits or approvals that may be required from the City or other levels of government;
- d) If required, a signed and registered statutory right of way in favour of the City; and
- e) A completed Service application and a Net Metering Interconnecting Agreement, where the Applicant has applied to install a Micro-DR System.

## **B.3 Load Increase and Notices:**

- a) The Customer shall give the Penticton Electric Utility ten (10) days written notice of any load increase;
- b) The Penticton Electric Utility is not required to supply a Customer Electricity in excess of that previously agreed to by the Penticton Electric Utility; and
- c) The Customer is required to pay the cost of any alterations or upgrades to the Penticton Electric Utility's Facilities necessary to accommodate the Customer's increased Connected Load.

## **B.4 Notice Periods**

An Applicant must provide notice in writing to the Penticton Electric Utility for new or upgraded Electrical Services or to install a Micro-DR System in accordance with the following notice periods:

- a) Residential Electrical Service - thirty (30) days;
- b) Multi-unit Residential; Business and Commercial Electrical Services – six (6) Months;
- c) Industrial Electrical Service – twelve (12) Months. The Penticton Electric Utility has an obligation to notify FortisBC in writing of any anticipated additional single Connected Load in excess of 5,000kVA whether it be a new Customer or increased Connected Load from an existing Customer;
- d) Micro-DR System – six (6) Months. The Customer must obtain approval of the Penticton Electric Utility of a Micro-DR System, in advance of purchasing or installing Micro-DR Equipment; and
- e) Back-Up Generator > 1MW in size – Minimum twenty-five (25) Months. The Penticton Electric Utility has an obligation to notify FortisBC of any proposed generation resources greater than 1MW in size not less than twenty-four (24) Months before the construction of such generation in order to allow FortisBC to assess the impact of such addition to FortisBC's supply capability.

#### **B.5 Metering and Meter Location**

- a) All Meters shall be installed by the Penticton Electric Utility, in a location approved by the Penticton Electric Utility;
- b) Meters shall be installed in locations that permit safe and unfettered access by employees or agents of the Penticton Electric Utility;
- c) The Penticton Electric Utility, at its sole discretion, may make exceptions to the general specifications for Meter Installations, where a standard location will cause design and installation difficulties, subject to the Meter remaining accessible to the Penticton Electric Utility at all times;
- d) The Penticton Electric Utility may require, at the Customer's expense, that the Customer relocate any Meter that is located in an area that cannot be conveniently accessed by the Penticton Electric Utility at all times, or is considered by the Penticton Electric Utility to be unsafe;
- e) The Penticton Electric Utility will supply and install a self-contained socket Meter type for Metering up to and including 200 Amperes. The type of self-contained socket Meters for the main switch ratings and supply Voltages are prescribed in section B.6 of this Schedule;
- f) For all Electrical Services in excess of 200 Amperes, where pad-mount transformer Metering is not being used, the Customer shall supply and install:

- i) An instrument transformer cabinet as prescribed in section B.7 of this Schedule; and
  - ii) Conduit between the instrument transformer cabinet and the Meter base.
- g) Meter centers installed for individual Metering applications must meet the requirements of section B.8 of this Schedule;
- h) The Penticton Electric Utility requires a House Meter on Multi-unit Residential and commercial buildings where common loads such as lighting and heating exist;
- i) The Penticton Electric Utility will only allow individual Metering for Premises in Multi-unit buildings where each unit is assigned a civic address and provided the Multi-unit building is not served by a Bulk Meter;
- j) Where individual Metering is used in a Multi-unit building, the Owner of the real property being provided with the Electrical Service, shall identify each Customer's Metered Service by address or unit number with a permanent non-fading legible label. Units shall be numbered and a floor plan shall be mounted in a suitable manner in each Electrical Room, indicating the area to which each Service box supplies Power;
- k) The Customer or Owner of the Multi-unit building shall ensure that each Metered Service identifying label accurately identifies the civic address or unit number associated with each Meter;
- l) The Penticton Electric Utility may refuse connection of any Electrical Service built in a location not approved by the Penticton Electric Utility, or not built to the BC Electric Code;
- m) The Customer shall provide wiring and fittings, satisfactory to the Penticton Electric Utility and in accordance with Electrical Code for the installation of each Meter;
- n) In the case of damage to any Meter, the Penticton Electric Utility's cost of repairs or replacement and re-testing of the Meter will be Billed to the Owner or Occupier of the Premises; and
- o) Where an Electrical Meter cannot be reasonably accessed the Penticton Electric Utility will apply the following procedure:
- i) Penticton Electric Utility will mail a registered letter to either the Owner or Occupier of the Premises advising that disconnection of Service will take place if satisfactory access to the Meter is not established within five (5) days of the date of the letter;
  - ii) Penticton Electric Utility will disconnect the Service after the five (5) day period has expired if access to the Meter cannot be obtained by Penticton Electric Utility within the five (5) day period; and
  - iii) If a Service is disconnected under section B.5(o), reconnection of Service may occur only upon access to the Meter being provided and payment of the reconnection fee.

**B.6 Self-Contained Meter Sockets/Bases**

The following Meter Socket and Bases are required for Metering up to and including 200 Amperes for each of the four different combinations of Voltage, phase and number of wires set out below:

Voltage	Phase	Wire	Meter Socket* (See description below)	Maximum Service Switch Size Rating in Amperes (A)
120/240	1	3	A	200
208/120	2	3	B	200
208/120	3	4	C	200
600/347	3	4	C	200

\*Meter Socket/Base Descriptions

- a) Four (4) jaw socket type square – 100A/200A Overhead and Underground;
- b) Five (5) jaw socket type with the "5" jaw at the 9 o'clock position, comes with #12AWG copper white wire from "5" jaw to an insulated neutral block in the Meter socket/base; and
- c) Seven (7) jaw socket type with the "7" jaw at the 6 o'clock position, comes with #12AWG copper white wire from the "7" jaw to an insulated neutral block in the Meter socket/base.

**B.7 Instrument Transformer Cabinets**

The following sizes of Instrument Transformer Cabinets are required for Electrical Service over 200 Amperes for each of the four different combinations of Voltage, phase, number of wires and Service size set out below:

Voltage	Phase	Wire	Service Size in Amperes	Instrument Transformer Cabinet (mm/in.)		
				Height	Width	Depth
120/240	1	3	201-600	610/24	610/24	254/10
208/120	3	4	201-600	760/30	760/30	254/10
208/120	3	4	601-1,600	915/36	915/36	915/36
600/347	3	4	201-2,000	915/36	915/36	915/36

## **B.8 Meter Centers**

Meter Centers may be used for installations of 750 volts or less, provided they meet the following specifications:

- a) Side-hinged doors or panels shall be installed over all sections of the switchboard where the Penticton Electric Utility may be required to work, such as Un-metered sections and those sections containing breakers, switches and Meter mounting devices. Hinged doors or panels shall have provisions for sealing or padlocking in the closed position. Where bolts are used, they shall be of a captive knurled type. The hinged covers over breakers or switches shall be constructed so the covers cannot be opened when sealed or padlocked;
- b) Breakers or switch handles shall have provisions for sealing or padlocking in the "off" position;
- c) Meter mounting devices shall be wired or connected on the load side of the breakers or switches (Cold Metering);
- d) Each combination Meter socket and breaker panel shall have adequate space to show the Customer street address and unit number, if any;
- e) The center of the top row of Meter sockets shall not be more than 2m from the finished floor;
- f) The distance between horizontally or vertically adjacent Meter socket rims shall not be less than 150mm;
- g) The Meter mounting socket and sealing ring shall be acceptable to the Penticton Electric Utility; and
- h) Where a neutral is required, the Meter-mounting device shall have a pre-wired ungrounded neutral connection to the 5th or 7th terminal. The connection, if not made directly to the neutral buss, shall be not less than #12 AWG copper.

## **B.9 Pre-Payment for New, Upgraded Electrical Services or Service Extensions:**

Pre-payment shall be required for any work performed by the Penticton Electric Utility for a new or upgraded Electrical Service application, as established in the Fees and Charges Bylaw, and the following conditions shall apply:

- a) For Jobs Requiring Payment of Flat Fee; and
  - i) The Customer or contractor must make payment prior to the Penticton Electric Utility crews being scheduled to complete assigned work.
- b) For Estimated Jobs Requiring Payment;

- i) The cost amount calculated for pre-payment shall be based on the Penticton Electric Utility's estimated cost of materials, labour and Equipment to be supplied by the Penticton Electric Utility to upgrade or provide the Electrical Service plus an Administrative Fee as established in the Fees and Charges Bylaw;
- ii) Transformer/Equipment Credits – Where the size of the existing Service is increased and will be supplied by Penticton Electric Utility owned transformer(s), the Customer may be credited the depreciated value of the existing Penticton Electric Utility owned transformer(s) or Equipment, if applicable. Where a Customer is serviced from a transformer/Equipment supplying multiple Customers, the transformer or Equipment credit will be a share of the depreciated value, based upon the number and capacity of Services connected to the transformer or Equipment. This credit will be incorporated into the estimate made to the Customer requesting connection, when applicable; and
- iii) For estimated jobs, the Customer shall pay in a format deemed acceptable by the Chief Financial Officer and payment must be received in advance of the work being done.

#### **B.10 Relocations**

- a) Once the request for relocation of distribution plant has been reviewed, and if the relocation is feasible, the Customer shall pay the total relocation costs for labour, labour saving devices, materials and applicable overheads or as otherwise defined in existing legislation; and
- b) The Penticton Electric Utility will not move Facilities or structures over certain routes when the moving or disconnecting of the Distribution System is not feasible.

#### **B.11 Service Extensions and Upgrades**

Service Extensions and upgrades shall be made on the principle that the party causing the need for the extension or upgrade will pay for the cost of the extension or upgrade. A Customer or Applicant needing an extension or upgrade to an Electrical Service to their property or a development will pay the cost of the Distribution System upgrades needed to Electrically Service that property or development. Service Extensions shall be provided by the Penticton Electric Utility, its agents, or by the Customer's qualified contractor, built to the standards of the Penticton Electric Utility, and shall be subject to the following conditions:

- a) The Customer must pay for the costs of a Service Extension including but not limited to any fees outlined in the Fees and Charges Bylaw;
- b) The Applicant must complete supply the Penticton Electric Utility with all relevant information, including, but not limited to, all necessary easements, permits or statutory rights of way;

- c) Upon receipt of an application for a Service Extension, the Penticton Electric Utility will engineer and design the Extension or review a plan for approval by the Penticton Electric Utility provided by a professional engineer retained by the Applicant (hereinafter referred to as "the Design") and provide a quote of the estimated costs (hereinafter referred to as "the Estimate"). The Penticton Electric Utility, at its sole discretion, may require a legal survey, at the Applicant's expense, prior to commencing with any design;
- d) The cost of preparing the Design, including the costs of any revisions to the Design that are requested by the Applicant, will be included in the estimate;
- e) The Penticton Electric Utility may require that the Customer, at the Customer's sole expense, provide the Design. The Design must be completed by a professional engineer with experience in electrical design and submitted for review to the Penticton Electric Utility in an electronic format approved by the Penticton Electric Utility prior to issuance for construction. After any required revisions or corrections have been made by the Customer's designer, the Design may be approved for construction;
- f) Service Extensions must be constructed in accordance with the Design and in compliance with the Penticton Electric Utility's Overhead and Underground electrical distribution construction standards and material specifications;
- g) Prior to construction of a Service Extension or upgrade the Customer must pay in advance the estimated costs of the work;
- h) The Penticton Electric Utility shall determine the route or location of a Service Extension having regard to the City's future line extension or Distribution System development needs;
- i) The City shall supply the transformer, if required, Electrical Service conductor and Metering Equipment for a new Electrical Service as per the Fees and Charges Bylaw;
- j) Service Extensions shall normally be constructed underground, but may be constructed overhead where such construction is in accordance with the City's Distribution System plans and the extensions are subject to the following conditions:
  - i) The Customer shall be responsible for all civil work including the concrete encasement of ducts, foundations and pads associated with an underground facility;
  - ii) The facility shall be owned and maintained by the City; and
  - iii) It is the Customer's sole responsibility to obtain any easement or statutory right of way in favour of the City required by the City or others, to permit the installation of an Electrical Service. These easements or statutory rights of way must be registered prior to the Service being energized.
- k) The Penticton Electric Utility shall own and maintain the Service Extension Facilities whether on public or private property;

- l) Where the Service Extension is on private property:
  - i) The Applicant may select the City or a qualified contractor, approved by the Penticton Electric Utility to construct the Service Extension to the standards of this Bylaw and the Penticton Electric Utility Construction Standards as amended from time to time;
  - ii) When the Applicant selects an authorized contractor to construct the Service Extension, the following conditions shall apply:
    - A. Prior to connection of the Service Extension to the Penticton Electric Utility's Distribution System, the Applicant shall pay to Penticton Electric Utility all costs of the Extension, including, but not limited to the costs and fees for design, engineering, surveying, permits, connection to the Penticton Electric Utility's Distribution System and inspection of the Service Extension; and
    - B. The Penticton Electric Utility may require a legal land survey of the location of the Service Extension, at the Applicant's expense, prior to connecting the Service Extension to the Penticton Electrical Utility's Distribution System.
  - iii) Prior to construction of the Service Extension, the Customer shall provide, to the satisfaction of Penticton Electric Utility, a statutory right of way in accordance with section B.12 of this Schedule.

### **B.12 Statutory Right of Way:**

A statutory right of way is required when an Applicant requires part of the Electrical Service for which they have applied to be installed on property owned by someone other than the Applicant that is not public highway or the Electrical Service for that Applicant exceeds 30m in length.

Where the supply of Electrical Service to a Customer requires a statutory right of way to be granted in favour of the City the following conditions apply to the statutory right of way:

- a) A statutory right of way must be provided by the Customer at the sole expense of the Customer;
- b) The Customer is responsible for rights-of-way clearing costs;
- c) On request, the Customer shall deliver to the City documents in a form satisfactory to the Penticton Electric Utility in the required manner, granting any required statutory right of way to the City;
- d) A statutory right of way may be in the form of a blanket statutory right of way. The statutory right of way may contain a sketch plan or a legally surveyed statutory right of way. If the City prepares the blanket statutory right of way, documents costs will be paid for by the Customer;

- e) A surveyed statutory right of way must cover a minimum width of three (3) Meters on either side of the Penticton Electric Utility Facilities or works and provide ancillary access to the right of way;
- f) The Customer shall be responsible for obtaining a statutory right of way in the City's name, over other properties that may be necessary for the Penticton Electric Utility to provide Electrical Service to the Customer; and
- g) The property Owner is responsible for maintaining the right of way such that:
  - i) If overhead, the vegetation does not encroach closer than 3 Meters (10 feet) to the primary conductor and/or 1 Meter (3 feet) to the secondary conductors. Failure to maintain this safe clearance will result in Disconnection of the Electrical Supply as per section 5 of this Bylaw. All remediation costs will be borne by the Customer; and
  - ii) Heavy Equipment shall have road access to all poles and structures.

### **B.13 Back-Up Generators**

- a) Customers with portable or permanently connected emergency generation capability used for emergency backup shall comply with all applicable criteria of the *British Columbia Electrical Safety Code*. In particular, the Customer shall ensure that Customer's emergency generation does not parallel with the Penticton Electric Utility's Distribution System without a proper interface protection and does not adversely affect the Penticton Electric Utility's Distribution System; and
- b) Customers with permanently connected emergency generation Equipment shall notify the Penticton Electric Utility regarding the presence of such Equipment.

### **B.14 Nominal Secondary Supply Voltages: & Transformer Capacities**

The Penticton Electric Utility reserves the right to determine the supply Voltage of all Electrical Service Connections.

The following are the supply Voltage standards:

- a) From pole mounted transformers:
  - i) Single-Phase - 120/240 volts, 3 wire, maximum 100kVA Transformation capacity (Max. 600 Ampere Service – protected at 500 Amperes);
  - ii) Three-Phase - 120/208 volts, 4 wire, maximum 150kVA Transformation capacity (Max. 400 Ampere Service); and

- iii) Three-Phase - 347/600 volts, 4 wire, maximum 300kVA Transformation capacity (Max. 400 Ampere Service).
- b) From pad-mounted transformers:
- i) Single-Phase - 120/240 volts, 3 wire, maximum 100kVA Transformation capacity (Max. 600 Ampere Service – protected at 500 Amperes);
  - ii) Three-Phase - 120/208 volts, 4 wire, maximum 750 kVA Transformation capacity (Max. 1,600 Ampere Service);
  - iii) Three-Phase - 347/600 volts, 4 wire, maximum 2,000 kVA Transformation capacity (Max. 2,000 Ampere Service); and
  - iv) Delta Services are prohibited.
- c) The City will not supply Transformation to a Customer from one Secondary Voltage to another Secondary Voltage;
- d) For loads or supply Voltages different from those listed in this section (e.g. 277/480 volts), the Penticton Electric Utility may require that a Customer supply their own Transformation Facilities and take Service at the available Primary Voltage; or supply their own Secondary Voltage conversion Transformation;
- e) All Facilities and Equipment to be connected to the City's Facilities must be in a condition that is approved by the Penticton Electric Utility. Installation must be carried out in a manner to ensure proper balancing of phases and circuits, and to ensure that the City's Equipment is not endangered or that no abnormal Voltage fluctuations are caused; and
- f) All three-phase, Facilities must be designed to prevent the load on the phase with the highest load exceeding that on the phase with the lowest load by more than ten (10%) percent.

### **B.15 Power Quality**

- a) In response to a Customer Power quality concern, where the utilization of Electric Power affects the performance of Electrical Equipment, an investigative analysis will be performed to identify the underlying cause. Depending on the circumstances, this may include review of relevant Power interruption data, trend analysis, and/or use of diagnostic measurement tools;
- If the problem lies on the Customer side of the system, the Penticton Electric Utility may seek reimbursement from the Customer for the costs incurred in its investigation;
- b) If an undesirable system disturbance is being caused by the Customer's Equipment, the Customer will be required to cease operation of the Equipment until satisfactory remedial

action has been taken. If the Customer does not take such action within a reasonable time, the Customer's supply of Power may be Disconnected;

- c) If the Penticton Electric Utility determines that Consumer's Equipment may be the source causing unacceptable harmonics, Voltage flicker or Voltage level on Penticton Electric Utility's Distribution System; the Customer shall assist the Penticton Electric Utility in its investigation by providing required Equipment information, relevant data and necessary access for monitoring the Equipment; and
- d) When Customers plan to install large motors over 500 Horsepower, they must contact the Penticton Electric Utility to ensure the existing or new Services are sized correctly and that the Distribution System can supply the required starting Current.

### **B.16 Power Factor**

- a) Every Customer must regulate their load to maintain a Power Factor of not less than ninety (90%) percent;
- b) If Customers' Equipment results in a poor Power Factor (less than 90%), a Power Factor surcharge, as per the Fees and Charges Bylaw, may be applied and it is the Customer's responsibility to correct or improve the Power Factor;
- c) The surcharge shall be added to the Customer's Bill after the rates or minimum charges have been calculated and the surcharge will remain in effect until the Power Factor has been corrected; and
- d) Electrical Service shall not be provided to any Customer whose Load Power Factor is less than fifty (50%) percent.

### **B.17 Load Fluctuations:**

- a) Every Customer must install and operate its motors, Micro-DR Systems, apparatus and other Electrical Equipment in a manner that will not cause fluctuations to the Penticton Electric Utility's line Voltage, or introduce any element into the Penticton Electric Utility's Distribution System which, in the Penticton Electric Utility's opinion, disturbs or threatens to disturb its Distribution System or the property or Electrical Service of any other Customer; and
- b) The Penticton Electric Utility may require the Customer at the sole expense of the Customer, to provide Voltage regulation Equipment and controls if Voltage fluctuations are equal to or greater than ten percent. The Penticton Electric Utility may refuse to provide Electrical Service or may suspend Electrical Service to the Customer until such Equipment is provided.

**B.18 Notice of System Interruptions**

- a) The Penticton Electric Utility cannot guarantee a supply that is free from interruption;
- b) It is necessary to occasionally interrupt a Customer's supply to maintain or improve the Distribution System, or to provide new or upgraded Service to other Customers. Where a Customer requests such activities to be done outside Regular Business Hours, then the Customer shall pay the Penticton Electrical Utility costs of carrying out the planned activities outside Regular Business Hours as per the Fees and Charges Bylaw;
- c) The Penticton Electric Utility will endeavour to provide the Customer with reasonable advance notice, of Service interruption except in cases of extreme emergency, involving danger to life and limb, or impending severe Equipment damage;
- d) The Penticton Electric Utility will endeavour to notify Customers prior to interrupting the supply to an individual Service. Where work involves a small number of Customers, the Penticton Electric Utility will attempt to notify Customers prior to disconnection for maintenance or repairs to the specific Service;
- e) If an unsafe or hazardous condition is found to exist, or if the use of Electricity by apparatus, appliances, or other Equipment is found to be unsafe or damaging to the Penticton Electric Utility or the public, Service may be discontinued without notice;
- f) Planned interruption times may change due to inclement weather or other unforeseen conditions. The Penticton Electric Utility shall not be held liable in any manner for failure to provide such notice of planned interruptions or any changes in schedule for planned interruptions;
- g) Depending on the outage duration and the number of Customers affected, local media channels may be used along with the City's website to advise the general public of the outage;
- h) In an emergency, the Penticton Electric Utility has the right to Disconnect Customers in response to shortage of supply; until or while repairs are made to either or both Penticton Electric Utility and Customer owned Equipment;
- i) A Customer or Joint Use Contract Agreement party are obligated to comply with reasonable and appropriate instructions from the Penticton Electric Utility during unplanned outage or emergency situations;
- j) The Penticton Electric Utility provides an after-hours emergency phone number with on-call personnel to assist in the event of an unplanned Power outage. When Power is interrupted, the Customer should first ensure that failure is not due to failed protection devices (i.e. fuses or breakers) within the installation. If there is a partial Power failure, the Customer should obtain the Services of an electrical contractor to carry out necessary repairs. If, on examination, it appears that the Penticton Electric Utility's main source of supply has failed, the Customer should report these conditions at once to the Penticton Electric Utility; and

- k) Customers who require an uninterrupted source of Power for life support Equipment must provide their own Equipment for these purposes.

### **B.19 Single-Phase**

For single-phase the following conditions for Metering and Meter location apply:

- a) 4 jaw socket type Meter bases are required and are to be supplied by the Customer. Round Meter bases are not permitted in accordance with section B.6 of this Schedule;
- b) Unless otherwise approved in writing by the Electric Utility Manager, the Meter socket shall be located on an outside wall, surface mounted with sufficient clearance from the surface finish material to allow easy access to the Meter locking ring, and be within one Meter of the corner nearest to the point of supply;
- c) The Meter shall be installed on the supply side of the Electrical Service Entrance;
- d) All Meter sockets shall be installed between 1.5 Meters and 2 Meters above final ground level to the center of the Meter;
- e) Meters shall not be installed in carports, breezeways or on decks or other similar areas;
- f) Residential Type Use – Multiple Meters; and
  - i) For Multi-unit Residential properties such as row housing, townhouses or condominium units, the Meter bases will normally be located outdoors and grouped in one common location where practical. Either "Gang Meter Base" installations or individual Meter base installations may be used depending upon the Penticton Electric Utility requirements; and
  - ii) In instances where the potential for Equipment damage or vandalism has occurred or is likely to occur with the outdoor location of the Meters, the Penticton Electric Utility may require the multiple Meter bases to be located indoors in an Electrical Room.
- g) Commercial Type Use – Multiple Meters;
  - i) For Multi-unit commercial-use properties with up to three (3) electric Meters, including a House Meter (maximum 2 Metered units) may be located outdoors using a Gang Meter base and supplied by a single stack;
  - ii) Where the number of Metered units supplied by a 200 Ampere main Service exceed two (2) Metered units; an Electrical Room having a main Service entrance disconnect switch installed ahead of the splitter trough and Meters will be required; and

- iii) Where multiple Meters are supplied by one main Service and the Service capacity exceeds 200 Amperes; an Electrical Room having a main disconnect switch rated for the capacity of the main Service entrance will be required.

## B.20 Three-Phase

### Meters

- a) For three-phase, the following conditions for Metering and Meter locations apply:
  - i) Except in the instance of pad-mount Transformer Metering, the Meter shall be located on the load side of the Electrical Service Entrance for all Services exceeding 300 volts;
  - ii) Where the supply is from a four (4) wire 600/347 volt system, Metering shall be four (4) wire. Where the Customer does not require a neutral, an appropriately sized neutral meeting the requirements of the Electrical Code must be provided to all Meter cabinets or sockets. The neutral conductor is to be terminated in the socket (or cabinet) on an insulated neutral block and in accordance with the Electrical Code;
  - iii) Primary Metering - Materials and Equipment for Primary Voltage Metering installations are to be designed, supplied and installed by the Customer. The Designs shall be submitted to the Electric Utility Manager for review and approval prior to any materials being ordered. All costs are to be paid for by the Customer;
  - iv) Non-residential Meters may be located indoors subject to the access provisions identified in section 6.2 of this Bylaw. If Meters are located outdoors, a Meter enclosure box or Meter base will be provided by the Penticton Electric Utility. Installation of the Meter enclosure box or Meter base will be by the Applicant; and
  - v) The location of the Electrical Room shall be approved by the Electric Utility Manager.
- b) 208/120V Single-Phase Network Metering;
  - i) The Metering installation required for most Apartment Buildings is 208/120 volt "Network Type Metering" installed indoors. The Meters are 200 Ampere, two-phase three wire and 5-jaw self-contained Meters; and
  - ii) Apartment Buildings will normally consist of 12 units or more. For Apartment Buildings with four (4) floors or less including the basement; all Meters are to be in one location on the ground floor. This location will be the main Electrical Service Entrance room or Electrical Room. For Apartment Buildings with more than four (4) floors, additional load distribution rooms will be allowed but must be spaced at no less than every third floor. These rooms must be kept locked at all times and be used

only for the purpose of housing electric Metering and Equipment related to the electric distribution within the building.

- c) For Services up to 200 Ampere three-phase 208/120 volt and 600/347 volt
  - i) Section B.6 of this Schedule applies;
- d) For Services over 200 Ampere 208/120 volt and 600/347 volt
  - i) A 13-jaw transformer type Meter is used and when pad-mount Metering is not being used; the Meter is to be installed inside a cabinet located in an approved electrical room;
  - ii) Where Instrument transformers are installed in the instrument Meter cabinet, the Customer is required to supply and install a Meter cabinet to contain all of the Penticton Electric Utility's Metering Equipment for the main switch ratings and supply Voltages listed in section B.7 of this Schedule;
  - iii) Where Current transformers are to be installed in the secondary bus of metal clad switchgear, the Penticton Electric Utility may request a copy of the shop drawings for review. In cases where the Current transformers only Meter a portion of the metal clad switchgear, a separate disconnect switch must be installed ahead of the Metering compartment so that the Service can be de-energized without any interruption to the main Service supply; and
  - iv) A separate Meter cabinet must be supplied and installed by the Customer, located to the satisfaction of the Penticton Electric Utility and as close as possible to the instrument transformer compartment. Generally, one revenue Meter only will be allowed. Additional revenue Meters will require authorization from the Electric Utility Manager.
- e) Point of Delivery - In the case of an Underground three-phase Service, the structures protecting the Service from vehicular damage including the bollards are to be maintained by the Customer. The typical Point of Delivery on an Underground three-phase Service are the secondary spades of the pad-mounted transformer. Maintenance must be completed in co-ordination with the Penticton Electric Utility; and
- f) Primary Voltage Supplied Customers
  - i) The Customer is required to bring out a neutral conductor for connection to the system neutral. If not required for Customer's use, this neutral shall be terminated to the Customer's station ground system.
  - ii) The Customer is responsible to supply a point of attachment within a distance of 30 Meters from the property line, where an overhead Primary Voltage Service is provided. This point of attachment may be a Service pole or approved structure.

- iii) As with all Services, the Penticton Electric Utility will not connect or energize the Customer's substation until:
  - A. A declaration has been received from the Technical Safety BC;
  - B. The Penticton Electric Utility has inspected the Service;
  - C. The Customer has provided a pre-Service report to the Penticton Electric Utility that has been sealed by a Professional Engineer licensed in the Province of British Columbia; and
  - D. A Joint Operating Order has been signed by the Customer and the Penticton Electric Utility. A Joint Operating Order is a document that is used to describe the isolation points and safety procedures along with contact names and numbers of individuals responsible for operating the Customer Owned Equipment described in the Order.

### **B.21 Micro-DR Service Requirements**

- a) The Penticton Electric Utility shall determine the number or capacity of Micro-DR units on any part of their Distribution System;
- b) The Penticton Electric Utility maintains the right to disconnect, without liability, the Micro-DR for any issues relating to safety and reliability;
- c) The Micro-DR Customer must apply to the Penticton Electric Utility using the appropriate "Net Metering" application form;
- d) The Micro-DR System must be located on the Customer's Premises;
- e) Installation of the Micro-DR System shall not commence until the Design has been approved by the Electric Utility Manager;
- f) Design Requirements: and
  - i) The Micro-DR output is at 750 volts or less and the Micro-DR System is not larger than 50kW, without written approval from the Electric Utility Manager;
  - ii) The Micro-DR System must meet the anti-islanding requirements of CSA standard C22.2 No 107.1 and be capable of isolating the Net Metering System from the Penticton Electric Utility System;
  - iii) The design shall include a disconnect that:
    - A. Is CSA certified;
    - B. Meets the intent of Section 84 of the *Canadian Electric Code*;

- C. Is accessible by the Penticton Electric Utility staff at all times;
  - D. Has a provision for locking in the open position; and
  - E. Provides a visual indication while in the open position; and
- iv) The Micro-DR System must comply with CSA standard CAN/CSA-22.2 No. 257 Interconnecting Inverter-based Micro-Distributed Resources to Distribution Systems.
- g) Energization and Operational Requirements:
- i) The Micro-DR Owner may not commence Parallel Operation of its generating Equipment unit the completed installation has been inspected and final written approval has been given by the Electric Utility Manager;
  - ii) The following information and procedures must be provided and in place before a Micro-DR System will be allowed to be connected to the Penticton Electric Utility's System:
    - A. A complete set of specifications for the installation; including copies of the manufacturer's technical manuals and specifications for the proposed DR Equipment;
    - B. A complete set of single line diagrams and protection settings;
    - C. A complete set of commissioning procedures; and
    - D. An executed "Net Metering Interconnection Agreement".
  - iii) The Penticton Electric Utility maintains the right to inspect the Micro-DR Facilities with reasonable prior notice and at a reasonable time of day;
  - iv) The Interconnection of the Customer's generating Equipment with the Penticton Electric Utility's Distribution System shall not cause any reduction in the quality of Service being provided to other Customers;
  - v) The Micro-DR System Owner will not be permitted to energize a circuit de-energized by the Penticton Electric Utility; and
  - vi) The Micro-DR System Owner is responsible for commissioning and periodic maintenance of the Interconnection Equipment. Commissioning and maintenance must be performed by competent personnel. A copy of the commissioning and maintenance test reports must be retained by the Micro-DR System Owner and made available to the Penticton Electric Utility upon request.

## **B.22 Subdivisions – Residential**

Residential Subdivisions are required to comply with Electric Facilities requirements in the Subdivision and Development Bylaw, Section 00600 – Electrical in addition to all parts and Schedules of this Bylaw.

### **B.23 Subdivisions – Strata Developments**

Strata developments will be electrically serviced Underground subject to the following:

- a) All of the Electrical Distribution Infrastructure including but not limited to concrete encased ducts, vaults, transformers, high Voltage cables, secondary distribution cables, Service boxes, electrical Meters, will be owned and maintained by the Penticton Electric Utility and must be installed in a statutory right of way in favour of the City over the strata lands including strata roadways;
- b) The Developer or Customer will own and maintain the Meter bases, the underground Service conductors between the Service boxes/transformers and the Meter bases, the street lighting and other conductors supplying Power to common areas such as roadway lighting, parking lot lighting, irrigation systems and security gates; and
- c) The Electrical Consumption for all privately owned street lighting along with any other common loads will be Metered by a House Meter.

**Appendix 7**

<b>ELECTRIC</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
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**Utility Administration Rates**

Utility credit references (current or recent account)	\$16.00	\$16.25
Archived account	\$27.00	\$28.00
Utility account history	\$16.00	\$16.25
Interest rate on delinquent utility accounts	10% per annum	10% per annum
Special electric meter reading	\$34.50	\$35.50
Special electric meter inspection fee	\$34.50	\$35.50
Postage/Printing Fee (per invoice)	\$1.00	\$1.00

**AMR OPT OUT**

AMR Opt Out manual electric meter reading for an individual meter	\$12.00 per meter read	\$13.00
AMR Opt Out manual combined electric and water meter reading for an individual for an individual meter read	\$14.00 per combined meter read	\$14.00
AMR Opt Out manual electric meter reading for a meter bank installation	\$12.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter	\$13.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the electric meter bank read is to be equally split between all customers serviced by the bank meter
AMR Opt Out combined electric and water meter reading for a combined electric and water meter bank installation	\$14.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.	\$15.00 for the first meter and \$1.00 per read for each additional meter in the meter bank per meter read. The total cost for the combined electric and water meter bank read is to be equally split between all customers served by the meter bank.
AMR Opt Out electric meter use of a digital non radio frequency electric meter	\$150.00 per meter	\$150.00 per meter
Utility application fee – next day service	\$40.50	\$41.50

**Appendix 7**

<b>ELECTRIC</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Utility application fee – same day service (accounts with combined electric and water)	\$93.00	\$93.00			
Utility application fee (electric only) same day service (accounts that only have electric services)	\$53.00	\$53.50			
Non-Payment: Electric disconnect and re-connect(during City Hall hours only)	\$71.00	\$71.00			
Non-Payment: Site visit without a disconnect (during City Hall hours only)	\$35.00	\$35.50			
Electrical disconnect or re-connect or site visit (cost per visit after hours with call-out)	\$413.00	\$417.00			
Electrical disconnect or reconnect or site visit (cost per visit during City Hall hours)	\$35.50	\$35.50			
Electrical disconnect or reconnect or site visit (cost per visit after hours without call-out)	\$69.50	\$71.00			
Illegal reconnection administration charge	\$265.00	\$275.00			
Utility fee - Leave on Authorized	\$11.00	\$12.00			
Electrical Disconnect and reconnect from pole	\$355.00	\$355.00			
Special Administration charge per service	\$26.50	\$27.50			

**Electric Rates**

**Rate Code 10 - Residential**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge	\$0.1233 per kwh for all consumption during the billing period	\$0.1284 per kwh for all consumption during the billing period	\$0.1337 per kwh for all consumption during the billing period	\$0.1392 per kwh for all consumption during the billing period	\$0.1435 per kwh for all consumption during the billing period

**Rate Code 15 - Residential/Special Service**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge	\$0.1416 per kwh for all consumption during the billing period	\$0.1474 per kwh for all consumption during the billing period	\$0.1534 per kwh for all consumption during the billing period	\$0.1597 per kwh for all consumption during the billing period	\$0.1647 per kwh for all consumption during the billing period

**Appendix 7**

ELECTRIC	2016	2017	2018	2019	2020
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**Rate Code 20 - General - Secondary metered and City owned Transformation**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge: First 10,000 kwh per billing	\$0.1409 per kwh	\$0.1429 per kwh	\$0.1449 per kwh	\$0.1469 per kwh	\$0.1515 per kwh
Next 90,000 kwh per billing	\$0.1110 per kwh	\$0.1126 per kwh	\$0.1143 per kwh	\$0.1159 per kwh	\$0.1196 per kwh
Additional kwh per billing	\$0.0778 per kwh	\$0.0789 per kwh	\$0.0801 per kwh	\$0.0812 per kwh	\$0.0838 per kwh
Demand Charge	\$9.94 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.09 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.23 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.38 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.71 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

**Rate Code - 25, 30 and 35**

Are subject to the same base rates for consumption and demand as set out in Rate Code 20 with the following discounts:

Primary Metering	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only	1.5% discount on consumption and demand charges. Customer-owned transformation - 9.0% discount on demand charges only
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**Rate Code 25 - General - Primary metered and City owned Transformation**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
Energy Charge					
First 10,000 kwh per billing	\$0.1388 per kwh	\$0.1408 per kwh	\$0.1427 per kwh	\$0.1447 per kwh	\$0.1493 per kwh
Next 90,000 kwh per billing	\$0.1093 per kwh	\$0.1109 per kwh	\$0.1126 per kwh	\$0.1142 per kwh	\$0.1178 per kwh
Additional kwh per billing	\$0.0766 per kwh	\$0.0777 per kwh	\$0.0789 per kwh	\$0.0800 per kwh	\$0.0825 per kwh

**Appendix 7**

<b>ELECTRIC</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Demand Charge	\$9.79 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.93 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.08 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.23 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$10.55 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

**Rate Code 30 - General - Secondary metered and customer owned Transformation**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
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Energy Charge

First 10,000 kwh per billing	\$0.1409 per kwh	\$0.1429 per kwh	\$0.1449 per kwh	\$0.1469 per kwh	\$0.1515 per kwh
Next 90,000 kwh per billing	\$0.1110 per kwh	\$0.1126 per kwh	\$0.1143 per kwh	\$0.1159 per kwh	\$0.1196 per kwh
Additional kwh per billing	\$0.0778 per kwh	\$0.0789 per kwh	\$0.0801 per kwh	\$0.0812 per kwh	\$0.0838 per kwh

Demand Charge	\$9.05 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.18 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.31 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.45 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.75 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months
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**Rate Code 35 - General - Primary metered and customer owned Transformation**

Basic Charge	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus
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Energy Charge

First 10,000 kwh per billing	\$0.1388 per kwh	\$0.1408 per kwh	\$0.1427 per kwh	\$0.1447 per kwh	\$0.1493 per kwh
Next 90,000 kwh per billing	\$0.1093 per kwh	\$0.1109 per kwh	\$0.1126 per kwh	\$0.1142 per kwh	\$0.1178 per kwh
Additional kwh per billing	\$0.0766 per kwh	\$0.0777 per kwh	\$0.0789 per kwh	\$0.0800 per kwh	\$0.0825 per kwh

**Appendix 7**

<b>ELECTRIC</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Demand Charge	\$8.91 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.04 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.17 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.31 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months	\$9.60 per KVA of billing demand which is the greater of a) the maximum KVA demand in excess of 45 KVA for the current billing; or b) 75% of the maximum KVA demand in excess of 45 KVA recorded during the previous eleven months

**Rate Code 45 - General - City Accounts**

Energy Charge	\$0.0873 per kwh for all consumption	\$0.0953 per kwh for all consumption	\$0.1041 per kwh for all consumption	\$0.1137 per kwh for all consumption	\$0.1173 per kwh for all consumption
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**Rate Code 55 - Street Lighting, Traffic Lights & Other Un-metered Loads**

Per fixture watt or volt ampere per billing subject to <b>Bylaw 2017-44 (Electric Utility Services)</b> <del>Section 3.b of Bylaw 2000-36 (Electrical Regulations)</del>	\$0.0977 per fixture watt or volt ampere per billing	\$0.1071 per fixture watt or volt ampere per billing	\$0.1174 per fixture watt or volt ampere per billing	\$0.1287 per fixture watt or volt ampere per billing	\$0.1411 per fixture watt or volt ampere per billing
Per watt or volt ampere per billing based on equipment name plate data or customer information, or where data is insufficient, the City will determine by appropriate measurement and calculation what equipment watt or volt ampere loading shall be used for billing purposes.	\$0.1846 per watt	\$0.2024 per watt	\$0.2219 per watt	\$0.2432 per watt	\$0.2667 per watt
Monthly minimum charge per fixture or service connection	\$17.58 per billing plus	\$18.14 per billing plus	\$18.72 per billing plus	\$19.32 per billing plus	\$19.94 per billing plus

**Net Metering (aka Micro-DR)**

~~Energy Credit~~— **When paying Net Metered Customers for any excess Energy generated by the Customer, the Penticton Electric Utility shall use the applicable Energy rate as specified in the FortisBC Electric Tariff Schedule 40 as amended from time to time. The City will apply a credit** for the purchase of power from all City customers generating and transmitting power into the City electrical grid at the ~~appropriate rate code that the City charges for power for the class of the said customer. Furthermore no additional City Fees related to electrical will be applied for participating in the Net Metering program.~~ Customers will be responsible for all on-site costs of their Distribution Generation system including, but not limited to, design, permits, **installation, inspection fees, connection fees,** repairs and maintenance.

**Electrical Service Calls**

**Appendix 7**

<b>ELECTRIC</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
Service Call – 1 stop (1 hr. max)	\$209.10	\$211.00			
Service Call – 2 stops (1.5 hr. max)	\$311.10	\$316.00			
<b>Electrical Service Connections</b>					
<b>Temporary Service Connection</b>					
1 Phase up to 200 amps	\$209.00	\$211.00			
all except 1 phase up to 200 amps	Actual Cost	Actual Cost			
<b>Service Relocate</b>					
1 phase up to 200 amps	\$347.00	\$347.00			
<b>Service Upgrade</b>					
1 phase over 200 amps	Actual Cost	Actual Cost			
3 phase overhead (all)	Actual Cost	Actual Cost			
<b>Service Connection</b>					
1 phase per unit (200 amps max -includes 1 meter) overhead and underground	\$388.00	\$388.00			
Additional meters	Actual Cost	Actual Cost			
1 phase overhead over 200 amps	Actual Cost	Actual Cost			
3 phase overhead (all)	Actual Cost	Actual Cost			
1 phase underground over 200 amps	Actual Cost	Actual Cost			
3 phase underground (all)	Actual Cost	Actual Cost			
Electrical Utility Ext. Agreement	Actual Cost	Actual Cost			
Primary Underground Cable	Actual Cost	Actual Cost			
Terminate and Energize underground - Per lot	Actual Cost	Actual Cost			
Installation of electrical poles, vaults, road-crossings, etc	Actual Cost	Actual Cost			
Electrical Call Out Rate	\$415.00	\$417.00			
<b>Electrical Pole Contacts</b>					
Telus	As per Contract	As per Contract			
Telus per Power Point Contact + Energy as per rate code 55	As per Contract	As per Contract			

Appendix 7					
ELECTRIC	2016	2017	2018	2019	2020
Shaw Cable	As per Contract	As per Contract			
Shaw Cable per Power Point Contact + Energy as per rate code 55	As per Contract	As per Contract			
Shaw WiFi	As per Contract	As per Contract			
Recoverable Sign Installations	Actual Cost	Actual Cost			

**City Electrical Infrastructure<sup>2</sup>:**

Due to the nature and timing of the various process's involved with the installation of electrical infrastructure a request for refund will be entertained at any time and will require evaluation as to the customer's and/or the Electric Utility's involvement, investment to date and further investment required to complete the works to a stage where they are deemed, by the Operations Manager of the Electrical Utility, to be safe for the public and the customer and have no negative effect on the electrical systems integrity or configuration. Calculation or determination of refund amounts will be completed by the General Manager of the Electrical Utility.

**Power Factor Surcharge**

a) Every Customer must regulate their load to maintain a Power Factor of not less than ninety (90%) percent.

b) If customers have equipment or install equipment that results in poor power factor (less than 90%), a power factor surcharge, may be applied and it is the Customer's responsibility to install equipment to correct or improve power factor.

c) The surcharge shall be added to the Customer's Bill after the rates or minimum charges have been calculated and the surcharge will remain in effect until the Penticton Electric Utility is satisfied that the Power Factor has been corrected

d) Electrical Service shall not be provided to any Customer whose Load Power Factor is less than fifty (50%) percent.

Power Factor	Surcharge
Between 90% and 100%	Nil
Between 88% and 90%	2%
Between 85% and 88%	4%
Between 80% and 85%	9%
Between 75% and 80%	16%
Between 70% and 75%	24%
Between 65% and 70%	34%
Between 60% and 65%	44%
Between 55% and 60%	57%
Between 50% and 55%	72%
Less than 50%	90% and electrical service may be disconnected

**Notes:**

#1. Any applicable Federal or Provincial taxes are in addition to the above charges. A discount forfeit equal to 10% of the "current charges" (excluding Goods and Services Tax) will result if full payment of current charges is not received. a) on "residential and residential/special services" (rate codes 10 and 15), on or before the expiration of fifteen (15) days after the date of the mailing of the invoices therefore. b) on all other services not included in the definition of "residential or residential/special services" on or before the expiration of twenty-two (22) days after the date of the mailing of the invoices therefore, provided that when the said day falls on Saturday, Sunday, or holiday, the discount shall apply if payment is received on the next succeeding day which is not a holiday. In the event of a partial payment of the current charges on or before the discount date, a proportionate discount shall be allowed.

Appendix 7					
ELECTRIC	2016	2017	2018	2019	2020

#2. Basic charges will be applicable to accounts that are disconnected from electric for seasonal or temporary purposes when the electric is being turned off at the account holders request but the account holder(s) is not altering.

#3. City Electrical Infrastructure is defined as: Any items related to the City of Penticton Electrical Utility distribution system including but not limited to primary duct and secondary duct, street lighting, power cables, transformers and associated appurtenances.

#4. All customers are eligible to access the "Electrical Service Payment Plan" for the installation of City Electrical Infrastructure and/or customer owned Micro-DR equipment that supplies power to their properties. The details of this program are summarized as follows:

- Payment Plan range: A customer can put a minimum amount of \$5,000 up to a maximum amount of \$50,000 on a Payment Plan;
- Payment Plan terms: 5 year payback in equal monthly amounts on the Electric Utility Bill plus interest calculated at the Prime Interest Rate +0.5%; and
- The customer has the ability to end the Payment Plan at any time by repaying the balance owing in full at any time without penalty.

Eligibility requirements:

- Must be for a new or an upgrade to an Electrical Service;
- Must be a City of Penticton Electric Utility customer;
- Must have a credit score of: 650 or greater for an individual, or less than 25 for a business;
- Must have a maximum of 19 City of Penticton Utility Credit Points;
- The customer must own both the land and building where the service is required; and
- If Micro-DR, receipts must be submitted from the contractor performing the work; and

-Protection: Any defaults on the Payment Plan will be subject to the normal City of Penticton utility collection procedures, including service disconnect and ultimately transfer of outstanding amount to taxes. Any outstanding payment plan amounts must be paid in full upon sale of the property.

# Council Policy

penticton.ca

Approval date: December 7, 2015

Resolution No.: 582/2015

**Subject: Billing Policy**

## Goal

To provide clarity and consistency on the billing policies of the Utilities Department.

## Scope

To detail the policies surrounding billing.

## Policy

### **BED AND BREAKFAST FACILITIES**

1. ~~“Bed & Breakfast” operations, by definition, consist of single family dwellings offering overnight accommodation to the travelling public in no more than four sleeping rooms without cooking facilities where the room rate includes breakfast served on the premises.~~
2. ~~“B & B’s” fall into different categories based primarily on the number of sleeping rooms available and the number of guests accommodated. As a result, the electric rates charged vary based on similar factors. The applicable rates are as follows:~~
  - a. ~~Residential Rate Code 10—Will be charged on B & B’s that are limited to one available sleeping room accommodating no more than two guests.~~
  - b. ~~Residential/Special Rate Code 15—Will be charged on all other owner occupied B & B’s.~~
  - c. ~~Commercial Rate Code 20/25/30/35—Will be charged on all non owner occupied B & B’s.~~
    - i. ~~If a non owner occupied B & B were to contain a separately metered manager’s living quarters, then that service would be eligible for the Residential Rate Code 10.~~
3. ~~The City’s Business Licence database will be used as a source of information for the determination of which category and rate code is applicable to a B & B.~~
4. ~~Should a B & B change the nature of its operation or cease to operate as a B & B, the utility customer is responsible for providing notice in writing to the utility staff so that any resulting change in rate code can be effected.~~

## CYCLE AND WALK SEQUENCE ASSIGNMENTS

5. The City's method of reading and billing utility accounts is based upon a structure of two distinct cycles known as "Cycle 030" and "Cycle 060". All accounts within Cycle 030 are billed on the last working day of each month whereas accounts in Cycle 060 are billed on the 15<sup>th</sup> of each month (where the 15<sup>th</sup> falls on a weekend or holiday, billings are mailed on the preceding workday).
6. Within each cycle, there is a further division of accounts into "routes", which serve as smaller, more manageable units of accounts. Within each route, the order of reading of meters is determined by assigning each account a five digit sequential identifier, which simply determines in what order an account will be read within a route. The route number together with the sequential identifier is known as the "walk sequence".
7. The initial assignment of a walk sequence, as well as any subsequent changes, is handled by the utility clerks in consultation with the meter reader and utility servicemen. Any changes within a route will effect what time of the month that a metered account is read whereas changes from one cycle to another will change a customer's billing and discount dates.
8. The organization of routes within cycles is primarily based on geographical considerations but other factors (such as any advantages from grouping types of accounts within a route, for example, City or school accounts) may also be considered.
9. The City is unable to accommodate a customer request to have their account switched from one cycle to another because of the impact on reading efficiency.

## ESTIMATED BILLINGS

10. Electric and water meters are read and billed on a monthly basis and estimates will only be used where circumstances dictate. Any estimates used will be so identified on the bill.
11. City bylaws empower the Collector/Revenue Supervisor to estimate electric and water consumption and, in so doing, to consider any relevant history, circumstances or factors that may affect a customer's consumption. Every reasonable effort is made to arrive at a fair estimate of consumption.
12. No system of estimating can guarantee 100% accuracy. However, the City's system is designed to arrive at a reasonable estimate of consumption and is normally based on the "per diem" consumption for the account during the same period of time in the preceding year. Whether an estimate ends up being high or low, the customer's next billing based on an actual reading will normally correct any inaccuracies that may have resulted from the estimate.
13. Should a customer whose account has been estimated provide the City with a reliable reading that indicates the estimate used has resulted in a substantial over or under billing; the Collector/Revenue Supervisor may authorize a manual adjustment to the current billing rather than wait until the next regular billing.

## FINAL BILLINGS

14. Because of the City's status as a municipal utility and the resulting liability of registered owners for all utility services supplied by the City to the property, every reasonable precaution is taken to insure that owners' exposure to loss is limited. As a result, signatures and proper identification is required to initiate and terminate services with the City.
15. Utility accounts are normally finalized by the City upon receipt of a signed authorization from the customer accompanied by appropriate ID. The most common authorization is an application for disconnection completed at City Hall and signed by the customer. If the customer is unable to attend City Hall in person, the application for disconnection is available on the public website, or can be emailed or faxed to the customer. The customer can then fax or email back a signed copy of the application with a copy of their ID. Telephone notification is not acceptable because of the lack of signature.
16. Accounts may also be finalized when a new occupant applies for service or when a registered owner certifies that an existing customer has vacated the premises. In the event of the death of a customer, the executor or, where there is no executor, the next of kin will be permitted to act on behalf of the deceased customer. Satisfactory documentation may be required.
17. When a customer's account is finalized, final readings are obtained on all electric and water metered services and the final billing is normally produced within five business days.
18. In the case of rental properties, where owners or their agents are required by the Residential Tenancy Act to return security deposits within 15 days, owners are asked to direct their tenants to provide them with a receipted final bill as proof of payment.
19. In accordance with Section 258 (1) & (2) of the *Community Charter*, final utility accounts that are due and payable by December 31<sup>st</sup> and remain unpaid as of that date, are subject to transfer to taxes in arrears on the benefitting property effective January 1<sup>st</sup> of the following year.

## METER READINGS AND BILLINGS

20. Electric and water meters are read and billed on a monthly basis with estimates being used only where circumstances dictate and any estimates will be so identified on the bill. In addition to the regular monthly readings, actual readings will be obtained whenever a customer applies to have a service connected or disconnected in his/her name.
21. Should an accurate electric or water meter reading be unavailable due to meter failure, temporary inaccessibility or any other reason, the Collector/Revenue Supervisor may estimate consumption using the best available information.
22. Where water service is provided without a water meter being in place, the monthly basic charge is based on the size of the service and includes a built-in allowance for consumption (un-metered rate).

23. Access to both electric and water meters, during regular City working hours, is a requirement of service to any location. Whereas it is the City's preference to have open access to meters, circumstances exist where access must be made available through the use of LSDA (Locksmith Dealers of America) keys. In extenuating circumstances, the use of keys, padlocks or lock boxes (key vaults) may be used; such alternate access is to be reviewed with the on/off and meter reading staff and is subject to the approval of the Collector/Revenue Supervisor. Any costs associated with alternate access are to be borne by the customer and may be debited to the next billing on the account.
24. Customers are required to insure that meter access is not prevented or restricted due to:
- a. The storage of materials/vehicles,
  - b. The growth of bushes/plants, or
  - c. The presence of a pet in the access path to the meter (should a pet normally be contained within the access path, the customer must insure that the pet is alternately contained for three days before & after the normal reading date).
- Should a problem exist in this regard, the customer will be requested to correct the situation within a reasonable period of time, usually 7 to 10 days. Failure to comply may result in the disconnection of utility services until such time as the access problem is resolved and a reconnection charge has been paid.
25. A customer may request a re-read of an electric or water meter and such a request will be accommodated as soon as practical upon payment of the required fee. Should the re-read identify a reading error on the City's part; the re-read fee will be credited back to the customer.
26. A customer may also request a meter accuracy test with the applicable fee being refundable if the meter in question is found to be measuring outside the acceptable limits. A water meter test is conducted by City staff whereas an electric meter test is carried out by Measurement Canada, a division of the Government of Canada's Industry Canada's Weights and Measures.
27. The customer will exercise all reasonable diligence to protect the City's meters, key vaults, padlocks, etc. from damage or defacement and is responsible for any costs resulting from damage, defacement or theft.

### Previous revisions

Approval Date: January 21, 2013  
 Council Resolution: 47/2013

Approval

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# Council Report



**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Ken Kunka, Building and Permitting Manager  
**Address:** 890 Three Mile Road, Penticton

File No: Civic-Council

**Subject: Injunctive Relief – failure to obtain permit and geotechnical covenant**

## Staff Recommendation

That Council authorize staff to seek an injunction in Supreme Court via section 274 of the *Community Charter* to enforce the continued violation of the *City of Penticton Building Bylaw No. 94-45 (1994)* located at 890 Three Mile Road, Penticton, British Columbia, Legally Described As Lot 4 Plan KAP7508 District Lot 199 Similkameen Division Yale District (Parcel Identifier 001-844-571).

## Background

On January 12, 2015 staff forwarded information to Council that the property owner, Linda Laturnus, failed to obtain a geotechnical assessment required for the construction of a retaining wall building permit as well as failed to complete other permits related to renovation to the existing house located at 890 Three Mile Road.

As a result, Council directed staff to place a Section 57 Notice on Title if the property owner failed to complete a geotechnical assessment within 60 days (please refer to Council Resolution No83-84/2015. Attachment B). An assessment was not forwarded to staff within the time frame and a Section 57 Notice was registered on the property title as per Council resolution.

Since that time staff continued without success to engage the owner to voluntarily comply with the City Bylaw as well as satisfy the original Council resolution. An outline of the events following the registration of the Section 57 Notice are as follows:

2015-05-04	Letter property owner outlining outstanding issues and compliance path.
2016-02-23	Site visit by staff confirmed new work.
2016-04-04	Building and Permitting sends outstanding geotechnical review letter to property owner.
2016-03 & 06	Staff request for legal counsel to move forward with escalating legal action to seek resolution.
2016-06	Search warrant obtained to enter property to conduct slope stability assessment.
2016-07-14	Site visit by staff and geotechnical engineer.

2017-05-19	Geotechnical report identified that the work pose a risk and should be remediated under supervision of an engineer. This work requires a building permit and registration of a geotechnical covenant.
2017-05-30	Letter to property owner regarding overview of geotechnical report.
2017-08-28	Final letter of compliance to property owner.
2017-09-11	Property owners' legal counsel requesting time to review file.
	No further correspondence received.

**Financial implication**

To date the City has absorbed more than \$5,000 in legal and consulting fees and numerous hours of staff time in to seek compliance.

**Analysis**

Staffs main concern was related to earthworks taking place along a silt bank requiring a retaining wall building permit designed by a Professional Engineer. The permit would include geotechnical covenant to be registered on title as Part 14 of the City's Building Bylaw and Section 56 of the *Community Charter*.

Section 6 of the *City of Penticton Building Bylaw No. 94-45 (1994)* provides that a building permit is required for the erection of any retaining wall over 1.2 meters in height. Further, the bylaw allows for the City to request a report certified by a Professional Engineer with experience in geotechnical engineering that the construction (the retaining wall) that the land may be used safely for the use intended as outlined within Part 14 (Geotechnical Conditions) of the City's Building Bylaw.

Staff have shown a considerable amount of patience in seeking compliancy and have offered concessions to cover costs related to registration of the required geotechnical covenant. Under advisement of our legal counsel, Boyle and Company, staff seek to resolve this matter through the courts to gain compliancy with City regulations.

The pros of moving forward with injunctive action:

- The City will show that there is a consequence for non-compliance of the City's Bylaws;
- Meeting the minimum requirements to maintain safety of property and persons;
- The City has shown due diligence in taking steps to achieve compliance.

The cons of moving forward with injunctive action:

- Costs; and
- Possibility that Supreme Court does not agree that a Breach of a City Bylaw has occurred.

**Attachments**

Attachment A – Site location

Attachment B – January 12, 2015 Council Resolution

Attachment C – Final notice to property owner (Boyle and Company)

Respectfully submitted,

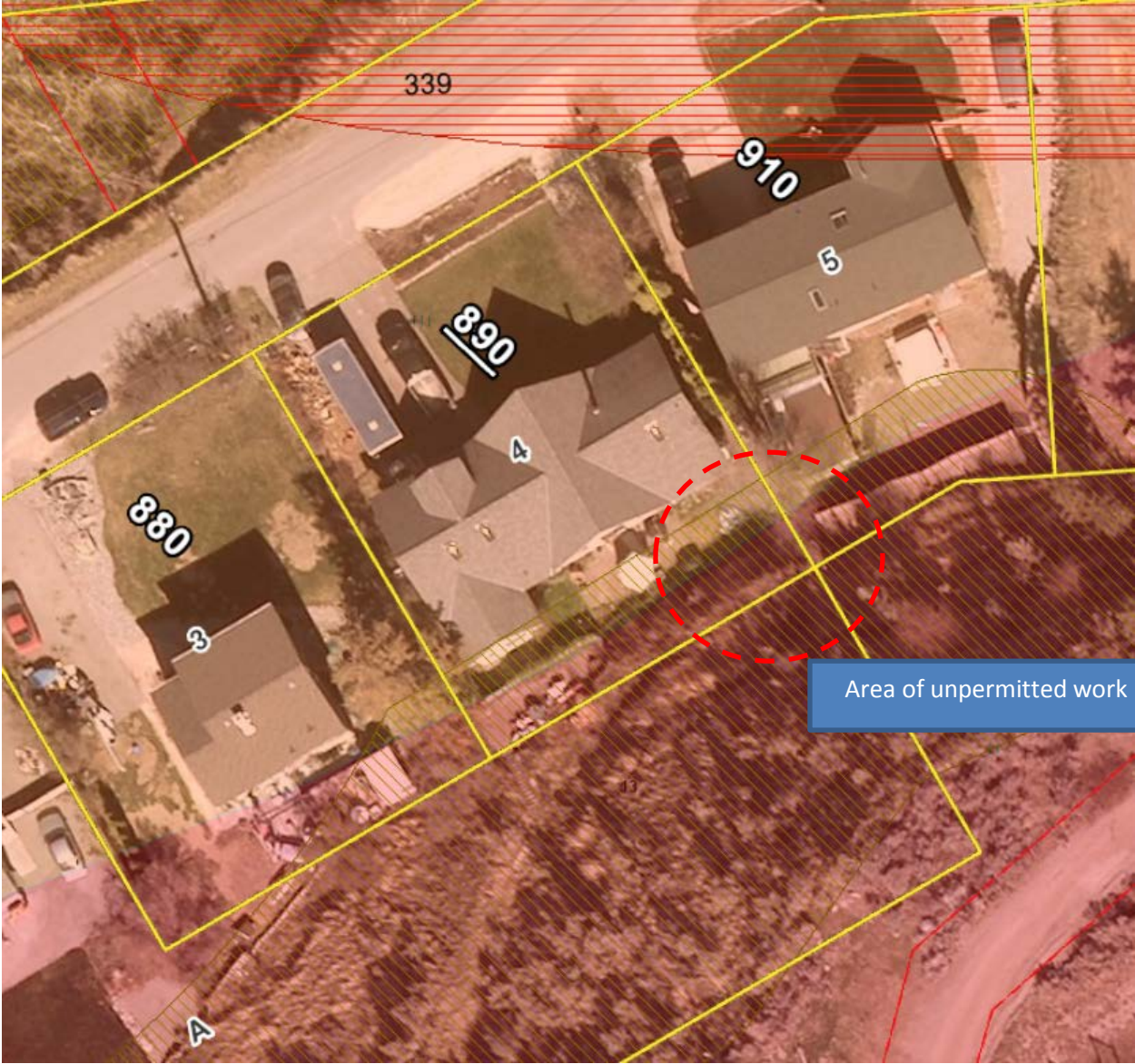
*Ken Kunka*

Ken Kunka, Building and Permitting Manager

Approvals

Director <i>AK</i>	CFO JB
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Attachment A  
Site Map – 890 Three Mile Road



Area of unpermitted work

Attachment B  
Council Resolution – 2015

83/2015                    It was MOVED and SECONDED  
THAT Council resolve to place a Notice on Title under Section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw 94-45 on Lot 04, District Lot 199 SDYD, Plan 7508 located at 890 Three Mile Road, stating the following:

“Failure to obtain a Building Permit (retaining) for earthworks, which is a violation of City Building Bylaw 94-45, Part 9.1(r) and failure to complete a building permit under Part 13.3 for an addition and retaining wall.”

AND THAT further injunctive action be commenced by staff within 120 days of Section 57 Notice on Title being registered if no building permit is issued and/or geotechnical covenant registered on title.

DEFEATED

Mayor Jakubeit, Councilors Watt, Picton, Sayeed, Konanz, Martin, Sentes, Opposed

84/2015                    It was MOVED and SECONDED  
THAT Council grant the owner of 890 Three Mile Road 60 days to allow for a geotechnical assessment and/or building permit to address the situation and to close the old permit, failing this, a Section 57 will be registered on title.

CARRIED

Councilor Martin, Opposed

Attachment C  
August 28, 2017 Letter to Owner



H. H. BOYLE (1890-1965)  
EDGAR DEWDNEY (1916-1994)  
F. ANTHONY LLOYD (1927-2015)

JAMES W. DEWDNEY\*  
TYRONE A. DUERR\*  
ERIK L. LUND\*†

WILLIAM D. BATTISON  
DALENE VISSER  
STEVEN L. WANG‡  
SARAH HARVEY‡

201 - 100 FRONT STREET  
PENTICTON, BC V2A 1H1

PHONE 250.492.6100  
FAX 250.492.4877  
WEB www.boylco.bc.ca

\*Legal services provided by a law corporation

†Member of the State Bar of California

‡Articled Student

**Our File:** 27037/ELL

August 28, 2017

Ms. Linda Laturmus  
890 Three Mile Road  
Penticton, B.C.

Ms. Laturmus,

**Re: 890 Three Mile Road, Penticton, B.C.  
Compliance with City of Penticton *Building Bylaw No. 94-45 (1994)***

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This firm is counsel to the City of Penticton with respect to the above referenced matter. We act only for the City and do not represent your legal interests in any way. I strongly suggest that you retain legal counsel of your own choosing to represent you in connection with this very serious matter.

As you are aware, the City of Penticton has been working with you over the past several years in an effort to secure your voluntary compliance with *Building Bylaw No. 94-45 (1994)* in relation to your property located at 890 Three Mile Road in Penticton. As you are also aware, on January 15, 2015 City Council directed that you be granted "60 days to allow for geotechnical assessment and/or building permit to address the situation and to close the old permit, failing this, a Section 57 will be registered on title." As you did not comply, a s. 57 notice was registered against title to your property. A copy of the notice is enclosed.

I am writing in one last attempt to secure voluntary compliance before council decides whether to initiate proceedings for injunctive relief under s. 274 of the *Community Charter*, S.B.C. 2003, c. 26, 274. In the event that such proceedings become necessary the City will likely seek to recover all available costs from you personally. It will of course be up to the Court to adjudicate any such request.

Along with this letter I have enclosed an expert report authored by Paul Glen, P. Eng. It sets out in detail the hazards associated with the excavation and fill upon your property. I have also enclosed the four open and incomplete building permits that are currently outstanding for your property.

At present there are two major issues with your property:

1. there are four open building permits for work that was started by the former owner in 1995 and 2004 and not completed: building permit #4658-95 for a renovation and addition to the single family dwelling, building permit #4685-95 for a retaining wall (referred to as Wall A in Mr. Glen's report), building permit #4690-95 for a second story addition, and building permit #2004 8553-04 for a wood burning stove; and
2. you have excavated and filled on your property without constructing adequate retaining walls.

#### **The Incomplete 1995 Building Permits**

In order to complete and close the 1995 Permits, you will need to do the following:

1. execute a geotechnical covenant a registerable form prepared by the City under s. 56(5) of the *Community Charter* and provide it to the City;
2. provide the city with letters of assurance (Schedule B and C-B) under the BC Building Code certified by appropriate registered professionals for the work performed under the 1995 Permits;
3. supply a sealed BCLS survey; and
4. apply for and complete to the satisfaction of the City all necessary inspections.

At this point, the City is willing to allow this work to be completed and certified under the existing building permits. If the City is required to bring the matter before the Court, the City reserves the right to seek new building permits and compliance with the current building code.

#### **The Incomplete Wood Burning Stove Permit**

In order to complete and close the 2004 wood burning stove permit, you will need to do the following:

1. obtain verification from a Wood Energy Technology Transfer ("WETT") certified technician and provide it to the City; and
2. apply for and complete to the satisfaction of the City all necessary inspections.

Again, the City is willing to allow this work to be completed and certified under the existing building permit if it is done now. As with the other existing permits, if the City is required to bring the matter before the Court, the City reserves the right to seek new building permits and compliance with the current building code.

#### **The Dangerous Fill and Excavation**

In order to remedy the situation with the excavation and fill you will need to do the following, including complying with all recommendations in Mr. Glen's report:

1. backfill over the footing of the retaining wall described by Mr. Glen as Wall B;
2. remove the retaining wall described by Mr. Glen as Wall C;

3. replace Wall C with an engineered wall constructed of poured-in-place concrete to a minimum of two feet that buttresses the steep exposed slope above the rear yard of the property;
4. obtain all necessary building permits and inspections required by the City in connection with this work;
5. provide the city with letters of assurance (Schedules B and C-B) under the BC Building Code by a registered professional for all work, including a structural engineer for the new concrete retaining wall;
6. provide the city with written certification under seal from a qualified member of the Association of Professional Engineers and Geologists of British Columbia with experience and training in geotechnical engineering that complies with s. 56 of the *Community Charter* (i.e., that once the work is completed the Property may be used safely for the purpose intended); and
7. agree to and cooperate in the registration of a geotechnical covenant in registerable form under s. 56(5) of the *Community Charter* if deemed appropriate by the City.

**Cost Sharing**

As an accommodation to you, the City will pay for the costs involved in preparing and registering the geo-technical covenants. You will be responsible for all other costs. As a further accommodation, the City will also waive its claims for legal fees. You would bear you own legal costs.

**Conclusion**

I hope that we will be able to work together to remedy the dangerous condition upon your property and to avoid involving this matter in the court process. However, , unless you provide firm written commitment to carry out the above to my office on or before September 11, 2017, Staff will recommend to Council that the City commence petition proceedings under s. 274 of the *Community Charter* in Supreme Court. As indicated above, if the City is forced to proceed to court, it will seek to recover all available costs from you personally.

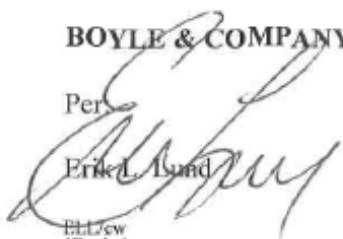
I look forward to your response, and I truly hope that we can resolve this situation in an amicable fashion.

**BOYLE & COMPANY**

Per

Eric L. Lund

EL:slw  
{Encls.}





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

COMMUNITY CHARTER  
SECTION 57 NOTICE

To: Registrar of Titles  
Box 19  
Room 114, 455 Columbia Street  
Kamloops, BC V2C 6K4

Res. No. 84/2015

TAKE NOTICE that the land described below is subject to a Section 57 of the Community Charter notice issued by

THE CORPORATION OF THE CITY OF PENTICTON PARTICULARS OF NOTICE	
<u>Notice Description</u>	
(a) Type of Notice:	<u>Bylaw Infraction</u>
(b) Statutory Authority:	<u>Section 57 of the Community Charter</u>
Legal Description of Land Affected and PID: <u>001-844-571 Lot 4, District Lot 199, SDYD, Plan 7508</u>	
<u>located at 890 Three Mile Road, Penticton, BC</u>	
Particulars: <u>The Corporation of the City of Penticton has passed a resolution pursuant to Section 57 of the Community Charter against the said lands in breach of the City of Penticton Building Bylaw 94-95. For further information and details respecting same, contact the Corporation of the City of Penticton at 171 Main Street, Penticton, BC.</u>	
<u>Further information may be inspected at the offices of the City.</u>	
Council Approval Date:	<u>January 12, 2015</u>
Expiry Date (if any):	<u>N/A</u>

Dated at Penticton, BC this 22 day of April, 2015.

  
Dana Schmidt, Corporate Officer of the Corporation of the City of Penticton, 171 Main Street, Penticton, B.C. V2A 5A9





THE CITY OF

171 MAIN ST.,  
PENTICTON, B.C. V2A 5A9

FEES, CHARGES	
BUILDING	\$ 196.25
PLUMBING	\$ 30.00
TOTAL	\$ 226.25
\$	
\$	

- BUILDING
- PLUMBING
- SIDEWALK

# PERMIT NO. 465895

CP 95-08-18  
B.I. DATE

NAME B. FARNHOLZ  
 ADDRESS 890 THREE MILE RD.  
 LEGAL DESCRIPTION LOT 4, RP 7508  
 OCCUPANCY GROUP RES.  
 ZONING A FOLIO NUMBER 121210-13415-1081901-101010  
 DESCRIPTION RENOVATION & ADD'N. TO S.E.D.

REC #	8005040	13 OCT	SOURCE ID
INSPECTION		08/21/95	14:16
RE: 465895		FURNACE	
WORK:			
ANT FIBER:		276.25	
CHARGE:	276.25	CHARGE	9.00

BUILDING DIVISION COPY ✓

PLUMBING FIXTURES WC 1 BS 1 BA 1 SK 1 SH 1 UR 1 FD 1 AW 1 OT 1 TOTAL 9  
 NEW  ADD  SEWER  SEPTIC   
 Fx CT. 6  
 ADDL 3  
 NEW TOTAL 9



THE CITY OF

171 MAIN ST.,  
PENTICTON, B.C. V2A 5A9

FEES, CHARGES	
BUILDING	\$ 56.25
\$	
\$	
\$	
\$	

- BUILDING
- PLUMBING
- SIDEWALK

# PERMIT NO. 4685PC

CP 08/08/05  
B.I. DATE

NAME B. FARNHOLZ  
 ADDRESS 800 THREE MILE RD.  
 LEGAL DESCRIPTION LOT 4 R.P. 7508  
 OCCUPANCY GROUP RES.  
 ZONING A FOLIO NUMBER 121210-13415-1081901-101010  
 DESCRIPTION RETAINING WALL

REC #	8005047	13 OCT	SOURCE ID
INSPECTION		08/20/95	14:16
RE: 468595		FURNACE	
WORK:			
ANT FIBER:		56.25	
CHARGE:	56.25	CHARGE	9.00

BUILDING DIVISION COPY ✓

PLUMBING FIXTURES WC 1 BS 1 BA 1 SK 1 SH 1 UR 1 FD 1 AW 1 OT 1 TOTAL 9  
 NEW  ADD  SEWER  SEPTIC



THE CITY OF

171 MAIN ST.,  
PENTICTON, B.C. V2A 5A9

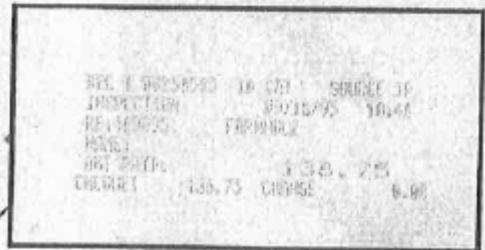
FEES, CHARGES	
BUILDING	\$ 108.75
PLUMBING	\$ 30.00
	\$ 138.75
	\$
	\$

BUILDING   
 PLUMBING   
 SIDEWALK

# PERMIT NO. 469075

B.I.  DATE  
 9/21/09/13

NAME B. FARNHOLZ.  
 ADDRESS 890 THREE MILE RD.  
 LEGAL DESCRIPTION LOT 4 R.R. 7508  
 OCCUPANCY GROUP RES  
 ZONING A FOLIO NUMBER 01210-1345-101910-1010  
 DESCRIPTION SECOND STOREY ADDITION



## BUILDING DIVISION COPY

PLUMBING FIXTURES WC BS BA SK SH UR FD AW OT TOTAL  
 NEW  ADD  SEWER  SEPTIC   
 ALTERATION



THE CITY OF

171 MAIN ST.,  
PENTICTON, B.C. V2A 5A9

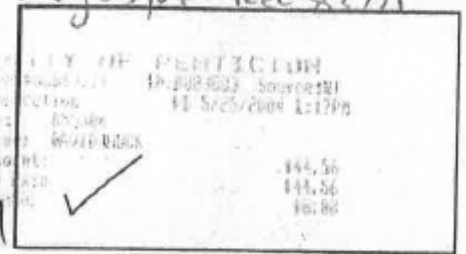
Fees, Charges	
BSP	\$ 44.56
	\$
	\$
TOTAL	\$

BUILDING   
 PLUMBING   
 DEMOLITION

# PERMIT NO. 8553 04

NAME David Huck  
 ADDRESS 890 Three Mile Rd.  
 LEGAL DESCRIPTION Lot 4 PL 7508  
 OCCUPANCY GROUP C  
 ZONING A FOLIO NUMBER 02201-31451-108101-101021  
 DESCRIPTION Install a wood stove

B.O.  DATE  
 May 25/04 Rec# 22771



This permit is hereby issued subject to all permit plans, documents, municipal bylaws and all other applicable enactments.

David Huck SIGNATURE OF OWNER/AGENT  
DAVID HUCK PRINT NAME  
25/May/04 DATE

PLUMBING FIXTURES WC BS BA SK SH UR FD AW OT TOTAL  
 NEW  ADD  ALTER  SEWER  SEPTIC  BUILDING DIVISION COPY

# Council Report

penticton.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Kerri Lockwood, Human Resource Manager

File No:

**Subject: Sport and Events Project Manager Position**

## Staff Recommendation

THAT Council approves the Sport and Events Project Manager role as a permanent, full time position.

## Strategic Priority Objective

This supports the pillars of being *connect and strong* and creating a *liveable* City by continuing to build and grow the focus of Penticton as an events City.

## Background

Penticton has a rich history of hosting sporting events, concerts and festivals. The City is home to traditional annual festivals such as Peachfest – now the largest free festival in Western Canada – and many more community-based festivals and events. This past August, the City had the pleasure of hosting the International Triathlon Union (ITU), bringing in athletes and visitors from 50 different countries. Opportunities such as this will continue as the reputation of Penticton as an event City continues to grow.

With the City of Penticton hosting more than 50 events throughout the year, it is critical that there be strong and effective leadership, relationship management and communication with residents, local businesses, event/festivals organizers, stakeholders, colleagues and tourism partners for the success of the community. The primary responsibility of the Sports and Events Project Manager is to support and assist sporting events, festivals and group/meeting organizers in obtaining the appropriate permitting, resources and information to develop and safely execute successful community events. This position is critical with the communications and coordination of events to ensure residents are aware of events and any traffic flow interruptions.

The Sports and Events Project Manager role started with the City in March 2016 as a one-year contract position and in March 2017, was extended another nine months to assess the need for this position on an ongoing basis. In September the role became vacant.

Prior to 2016, similar contract roles existed with our tourism partners (previously referred to as the Penticton Tourism Society). Contracts were phased in and out over several years. The initial contractor was hired in November - December of 2010. The position was then left vacant for a few years and then filled again in 2015. Given that 50% of the events that this role supports are locally focused events (vs. Tourism focused events) Staff recommends that this role continue to report to the City.

**Financial Implication**

\$90,000 was included as part of the 2017 budget and is included in future years as part of the five year financial plan. The position is also included in the City's FTE count of 283 and is not an incremental position.

**Analysis**

The City requires someone who will act as an ambassador on behalf of the City with the Community and event organizers. This person will foster strong business-to-business relationships between the Penticton (and area) key sports, tourism and festival organizations, as well as establishing strong working relationships with stakeholders such as (but not limited to) the Penticton Indian Band, Travel Penticton and regional Tourism Stakeholders, School District 67, South Okanagan Events Centre, Penticton Trade and Convention Centre, local sporting organizations/clubs, event organizers, event rights holders and accommodators.

This role will work very closely with Travel Penticton and act as an extension of the Travel Penticton team – from supporting the development of hosting package and resources for local organizations, to sponsoring events, and assisting with logistics, as required.

Measurement tools and benchmarking will be critical to the role. The Sports and Events Project Manager will develop and maintain databases, official records and documents to ensure that effective internal controls are in place. An information bank of the Penticton and area venues, available dates, unique sports amenities, spectator experiences, accommodations and other key selling features will also be created.

Working closely with the Finance team, this position will participate in the evaluation of grant requests that are seeking the funding for events, by applying the Eventful Penticton scoring matrix.

By making this position a permanent full time position rather than a term position, it will ensure the City is able to attract the calibre of candidate needed to be successful in this role.

**Alternate recommendations**

That Council continues to fund the Sport and Events Project Manager position as a single year contract position.

**Attachments**

Attachment A – Sport and Events Project Manager Job Description

Respectfully submitted,

Kerri Lockwood  
Human Resources Manager

Approvals

Chief Financial Officer  <i>JWB</i>
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## POSITION DESCRIPTION – Sports and Events Project Manager 2017

### Nature and Scope of Work

The primary responsibility of the Sports and Events Project Manager is to support and assist sporting events, festivals and group/meeting organizers in obtaining the right permitting, resource and information to develop and safely execute successful community events. Strong and effective leadership, relationship management and communication with residents, local businesses, event/festivals organizers, stakeholders, colleagues and tourism partners are critical to the success of the community and this position.

The Sports & Events Manager assists event organizers by:

- Ensure that the event delivery model is designed to promote business and minimize the impact on residents and visitors during the event season
- Create a standardized, scalable event service model that is adopted and followed by all event organisers
- To ensure that organizers follow local, provincial and federal safety and regulatory standards as they apply to the event
- Liaise between event organizers, municipal and provincial government where necessary
- To ensure that all municipal and provincial approval processes are met prior to the hosting of the event
- To ensure all required documentation is completed, reviewed and understood by event organizers
- Coordinate city resources and staff around delivery and management of annual events
- Debrief and document event logistical issues and event service improvements
- To develop an event timeline and work back schedule highlighting responsibilities and deliverables as well as Key Performance Indicators/ Success Measurements (e.g. editorial calendar), where appropriate

### Required Knowledge, Ability and Skill

- Proven leadership ability with a demonstrated history of working in event management
- Proven ability to implement strategic initiatives directly related to event planning and the supporting tactics
- Exceptional interpersonal skills, ability to communicate and problem solve in a fast paced and chaotic environment
- Clear level of understanding of local, regional, provincial and national sport organizations and their hierarchy
- Working knowledge of approval and regulatory requirements for large scale public events
- Strong problem solving skills and the ability to exercise sound judgment and mediate conflict situation
- Demonstrated history of political astuteness and results-orientation
- Excellent oral (including public speaking), written communication and computer skills
- Highly organized and ability to document and prepare annual reports and actions plans
- Superior written and verbal communication skills, the ability to interact with a wide variety of people from varying backgrounds

### Primary Deliverables

The priorities for this position in 2017/2018 are:

- Develop a hosting package outlining easy to follow process with clear parameters including City of Penticton resources
- Work to strengthen the relationship between event and festival organizers and City of Penticton stakeholders
- Develop a calendar of events as well as a pipeline of events and future event prospects for city

### Roles and Responsibilities

Without restricting the general nature and scope of the work, the following are illustrative examples of work which may be expected of the classification:

- Act as ambassador. You will foster strong business to business relationships between the Penticton area's key sports tourism and festival organizations
- Establish good working relationships with stakeholders: City of Penticton, Penticton Indian Band, Travel Penticton and regional Tourism Stakeholders, School District 67, South Okanagan Events Centre, Penticton Trade and Convention Centre, local sporting organizations/clubs, event organizers, event rights holders and accommodators
- Streamline City of Penticton stakeholder communication
- In collaboration with Travel Penticton, develop hosting package and resources for local organizations and assist with logistics as required
- Develop and maintain data bases, official records and documents to ensure that effective internal controls are in place
- Act as a liaison between local event organizers, municipal and provincial governing bodies
- Identify opportunities by working with local sports groups and influencers and build on existing event organizer's relationships
- Prepare detailed budgets and submit timely, accurate financial and activity updates as required
- Follow up with events (booked & potential) and created follow-up documentation and reporting
- Prepare annual report of event activities and service improvements
- In collaboration with the Financial Services Division participate in the evaluation of event focused grants as part of the Community Grant Program
- Plans, organizes and reports progress at regular Travel Penticton meetings including budgets, projections, sales and impact.
- Create systems in order to bid for and host sustainable events that are good for the community.
- Creating information bank of the Penticton and area venues, available dates, unique sports amenities, spectator experiences, accommodations and other key selling features
- Oversee all event bid estimates for project scope, schedule and resource requirements ensuring programs are cost effective, estimated and scheduled
- Builds and maintains a bid process that includes marketing materials, costing, managing, measuring and reporting (marketing materials to promote Penticton assets and tourism activities)
- Represents Penticton and area from time to time at sport/event related conferences, trade shows and meetings to promote the City as a sport hosting destination
- Other related duties as may be assigned.

### **Preferred Education, Training and Experience**

- Post-secondary education in business marketing/communications, event planning and/or sports marketing, supplemented with 2 years of experience, or an equivalent combination of education and experience
- Proven experience working with event organizers, planners and associations
- Proven experience "in the trenches" working events, festivals, etc.
- Demonstrated knowledge and awareness of sport and event tourism landscape, key players, business models and ways they do business
- Strong computer skills including MS Word, Excel and Outlook, CRM System, and Data Base Management such as constant contact
- Basic understanding of media relations and social media

Bylaw No. 2017-58

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-58".

2. **Amendment:**

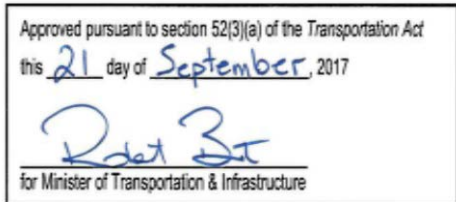
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 9, District Lot 115, Similkameen Division Yale District Plan 9176, located at 68 Roy Avenue and Lot 10, District Lot 115, Similkameen Division Yale District Plan 9176, located at 76 Roy Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	5	day of	September, 2017
A PUBLIC HEARING was held this	19	day of	September, 2017
READ A SECOND time this	19	day of	September, 2017
READ A THIRD time this	19	day of	September, 2017
RECEIVED the approval of the	21	day of	September, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 8 day of September, 2017 and the 13 day of September, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

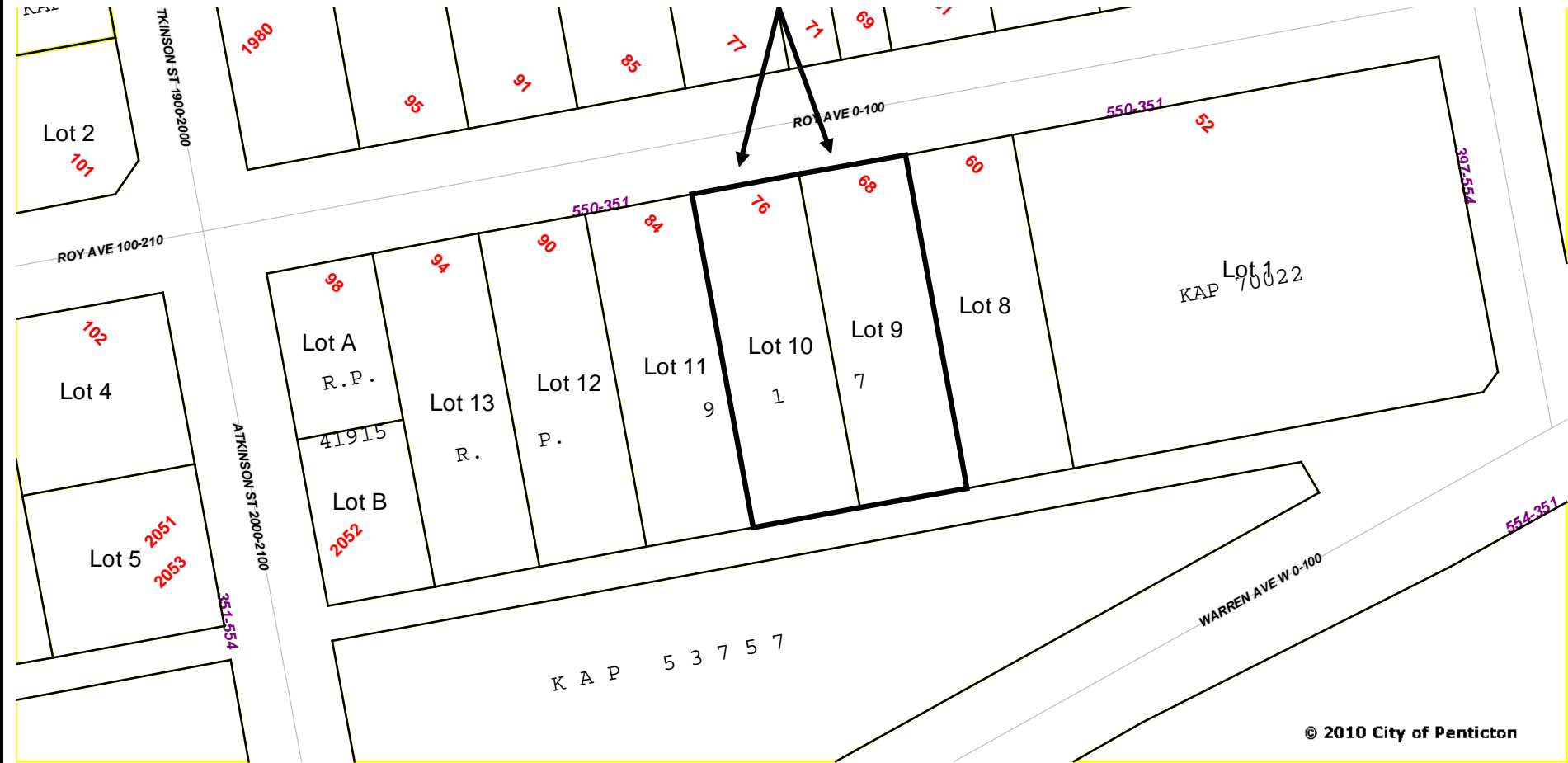


\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Rezone 68 & 76 Roy Avenue

## From R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)



© 2010 City of Penticton

### City of Penticton – Schedule 'A'

### Zoning Amendment Bylaw No. 2017-58

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

## Development Variance Permit

**Permit Number: DVP PL2017-8013**

Name:

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 9 District Lot 115 Similkameen Division Yale District Plan 9176

Civic: 68 Roy Avenue

PID: 006-071-449

Legal: Lot 10 District Lot 115 Similkameen Division Yale District Plan 9176

Civic: 76 Roy Avenue

PID: 009-797-521

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for a three lot subdivision and the construction of two side-by-side duplexes on each of the three lots as shown in the plans attached as Schedule A.

Variances for subdivision:

- Section 10.8.2.1.i: to decrease the minimum lot width of Proposed Lot A, B, and C from 18.0m to 12.0m.

Variance for construction of two side-by-side duplexes on each of the three proposed lots:

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
- Section 10.8.2.7.i: to decrease the minimum interior side yard of a principal building from 3.0m to 1.5m.

### 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 17 day of September 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

---

Dana Schmidt,  
Corporate Officer

**Bylaw No. 2017-63**

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

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 2017-08;

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. 2017-63".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot A, District Lot 202 Similkameen Division Yale District Plan KAP47803, located at 295 Abbott Street from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	19	day of	September, 2017
A PUBLIC HEARING was held this	3	day of	October, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2017 and the \_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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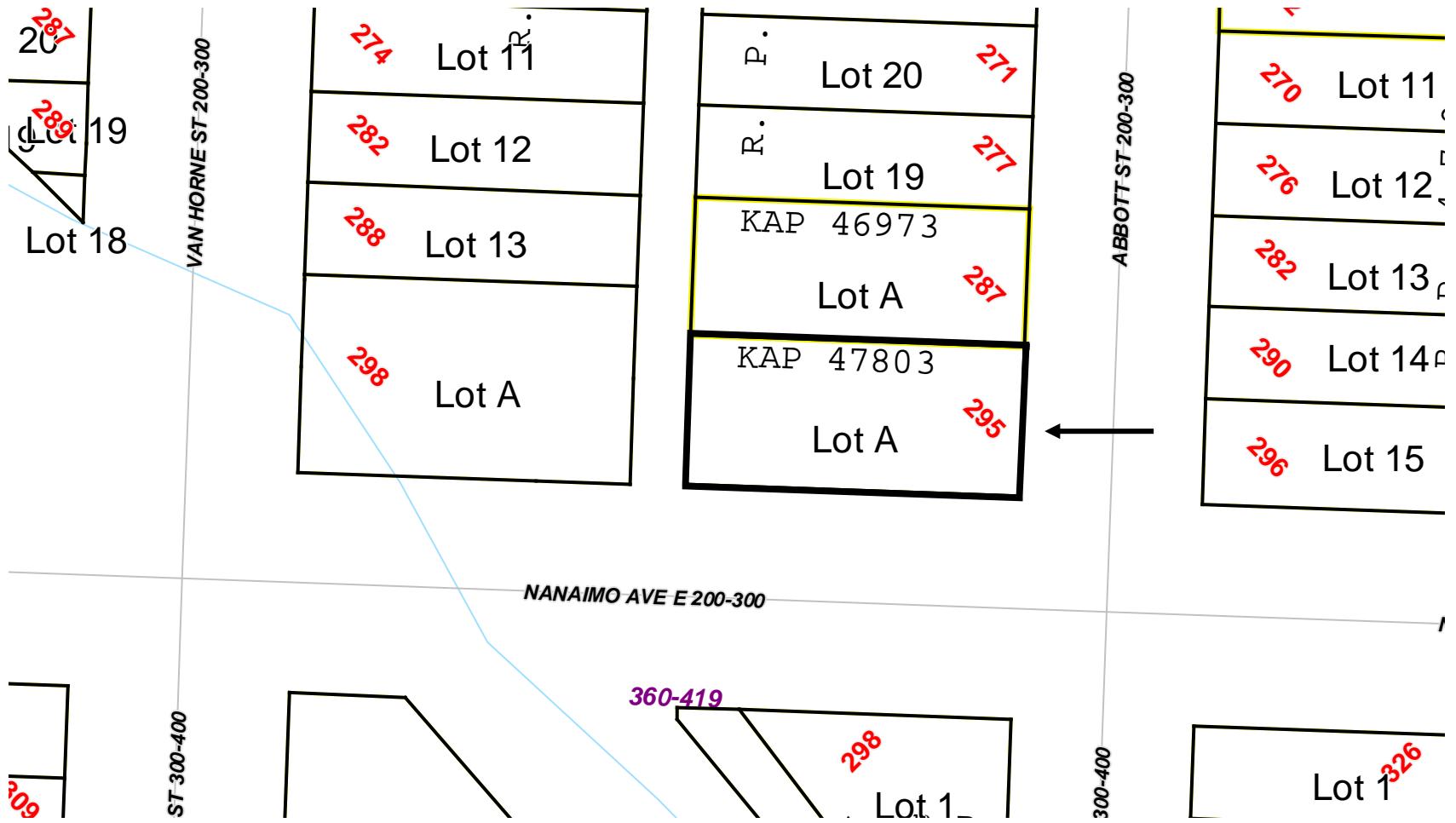
Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

# 295 Abbott Street

Rezone from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-63

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

## Development Variance Permit

**Permit Number: DVP PL2017-8026**

Name:  
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 A District Lot 202 Similkameen Division Yale District Plan KAP47803  
Civic: 295 Abbott Street  
PID: 017-869-765
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a four-unit townhouse as shown in the plans attached as Schedule A.
  - Section 10.9.2.7.i: to reduce the minimum interior yard from 4.5m to 1.80m.
  - Section 10.9.2.7.ii: to reduce the minimum exterior yard from 4.5m to 2.2m.

### 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 3 day of October, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

---

Dana Schmidt,  
Corporate Officer

Bylaw No. 2017-64

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-64".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add Section 10.1.3.7: "In the case of Lot 1, District Lot 116 SDYD Plan 19512 Except Plan 29643, located at 168 Kirkpatrick Avenue, a Bed and Breakfast Home shall be permitted."

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

READ A FIRST time this	19	day of	September, 2017
A PUBLIC HEARING was held this	3	day of	October, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2017 and the \_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
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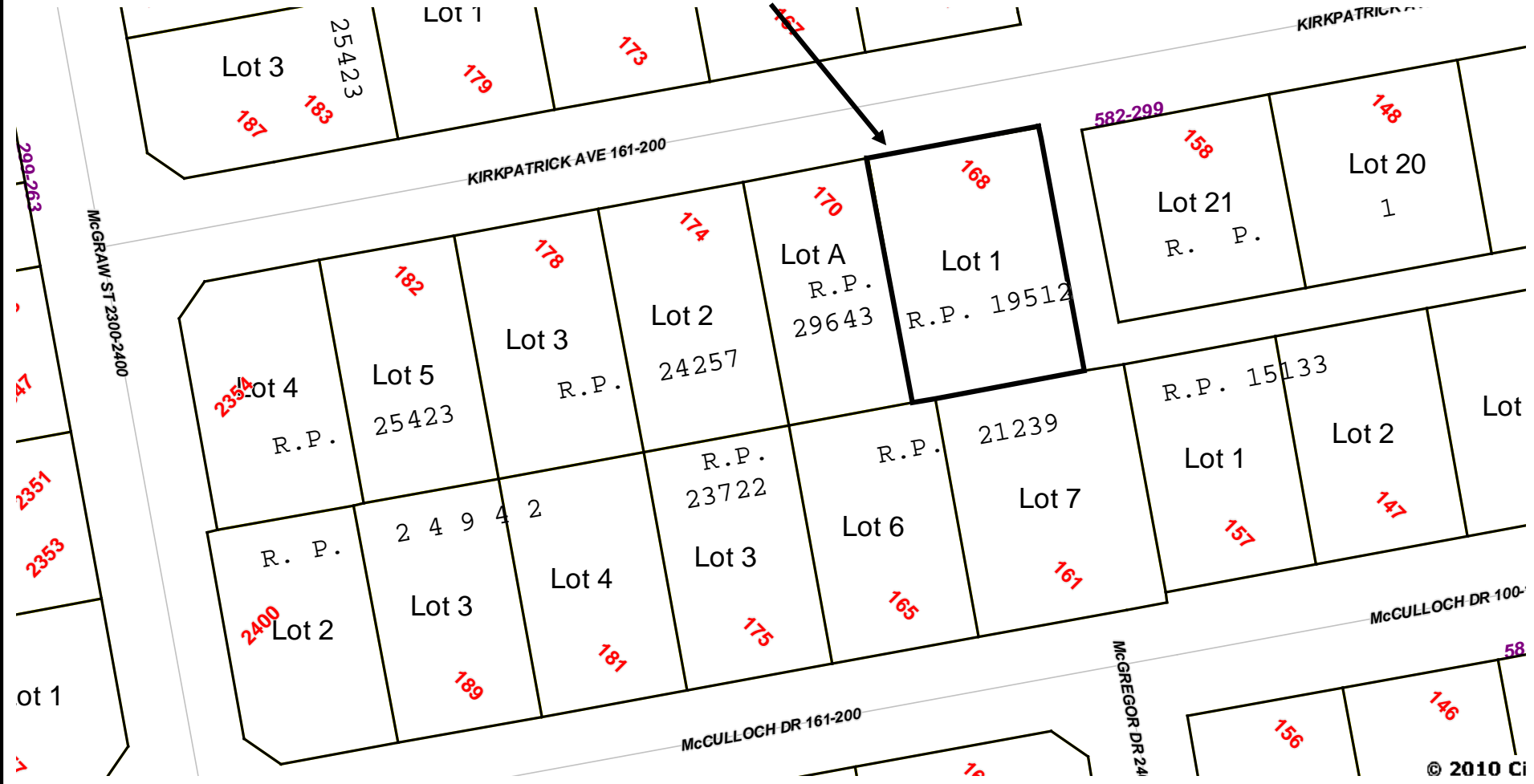
\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

168 Kirkpatrick Ave

Site specific zoning amendment to allow "Bed and Breakfast Home" as a permitted use

- 123 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-64

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 461 Eckhardt Avenue West

File Nos: RZ PL2017-8036  
DVP PL2017-8037  
& DP PL2017-8038

**Subject: Zoning Amendment Bylaw No. 2017-65  
Development Variance Permit PL2017-8037  
Development Permit PL2017-8038**

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## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-65", a bylaw to rezone Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-65", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-8037" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing.

AND THAT Council consider "DVP PL2017-8037" following the adoption of "Zoning Amendment Bylaw No. 2017-65."

### *Development Permit*

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-65," approve "Development Permit PL2017-8038" for Lot 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West, a permit that allows for the construction of two duplexes.

## Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as MFLD (Multi Family Low Density). Photos of the sites are included as Attachment D. The subject property is 696.8m<sup>2</sup> (7,500ft<sup>2</sup>) and features a single-family dwelling which will be demolished. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), R2 (Small Lot Residential) and P2 (Parks and Recreation). Surrounding properties are designated by the OCP as MFLD (Multi Family Low Density) and LR (Low Density Residential).

### Proposal

The applicant is proposing to construct two duplexes. One duplex will front Eckhardt Avenue West and one duplex will front the lane. Since two duplexes are not permitted in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
- Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

Lastly, the property is located within the Downtown Multiple Family Development Permit area and requires approval for the form and character of the duplexes and to address landscaping requirements.

### Financial implication

N/A

### Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The existing sidewalk letdown along Eckhardt Avenue West is required to be re-instated for an approximate cost of \$7,500 to the developer. The lane may require some minor repair and resurfacing during driveway construction. It has been determined that a 3.0m road widening on the subject property will help to achieve the ultimate desired 20.0m width of Eckhardt Avenue West. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

### Development Statistics

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

Item	Requirement RM2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	30%
<b>Maximum Density:</b>	0.8 FAR	0.61 FAR
<b>Minimum Lot Width:</b>	18.0m	15.24* (see below)

<b>Minimum Lot Area:</b>	540m <sup>2</sup>	696.8m <sup>2</sup>
<b>Vehicle Parking:</b>	1 space per dwelling unit + 0.25 per unit for visitors (5 total)	5 spaces
<b>Required Setbacks</b>		
Front yard (south, Eckhardt Avenue W):	3.0m	3.0m+
Rear yard (north, Lane):	6.0m	9.1m+
Interior yard (west):	3.0m	1.5m (variance required)
Interior yard (east):	3.0m	1.5m (variance required)
<b>Maximum Building Height:</b>	12.0m	7.2m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (80m <sup>2</sup> total)	130m <sup>2</sup>
<b>Other Information:</b>	<p>- The subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required.</p> <p>- *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</p>	

## Analysis

### Zoning Amendment

#### Support "Zoning Amendment Bylaw No. 2017-65"

The OCP designation for this site is MFLD (Multi Family Low Density), which supports duplex development. Although this area is only starting to see densification, it was envisioned by the OCP for more density. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools, events center and nearby services encourages more walking and active forms of transportation.
- The current proposal will convert an aging single family dwelling into four units in a time with low vacancy rates.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development meets the requirements of the zoning bylaw. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-65" and forward the application to the October 17, 2017 Public Hearing for comments from the public.

#### Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that a single duplex would be better suited for the property. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### ***Development Variance Permit***

#### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints 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.

*Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.*

- The developer is required to plant trees and shrubs within the landscape buffer area. A 1.5m setback is not enough space to plant sizeable trees. The developer is proposing to plant 7 trees and multiple shrubs throughout the rest of the development to make up for the reduced landscaping in the buffer area. Council has approved similar variances in the past. \*NOTE this variance is not to waive the requirement to provide landscaping in the entire development, but only in the buffer area.

*Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.*

- The developer is proposing to reduce the interior yards from 3.0m to 1.5m. If the developer constructed a dwelling with the current RD2 (Duplex Housing: Lane) zoning, a 3-storey duplex or 3-storey single family dwelling with a carriage house could be constructed 1.5m from the interior property lines without a variance. The proposed lot coverage of 30% is much less than the 40% permitted, thus limiting the amount of building actually located within the 3.0m required setback. As depicted in Figure 10 and 11, the side elevations of the proposed building have only 1 small window in the upstairs hallway which helps to mitigate any privacy concerns on the adjacent neighbours. The six-foot fence along the side property lines will also help to mitigate privacy concerns. The City is seeing a trend of developer's constructing two duplexes with the same configuration, thus Council has recently approved variances reducing the interior yards to 1.5m.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

#### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the 3.0m setback. If this is the case, Council should deny the variances.

### ***Development Permit***

#### Support Development Permit

The subject properties are located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although the Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods." The proposed development meets the intent of the bylaw as explained below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.
- The storage for the garbage and recycling carts are screened through fencing.
- The walkways to the sidewalk provide a pleasant connection to the street.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

#### Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

#### **Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-65" and deny support for DVP PL2017-8037 & DP PL2017-8038.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-65" but deny support for DVP PL2017-8037 & DP PL2017-8038.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-65" and support DVP PL2017-8037 & DP PL2017-8038 with conditions that Council feels are appropriate.

#### **Attachments**


Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	Proposed Renderings
Attachment H:	Landscape Plan
Attachment I:	Floor Plans

Attachment J: Letter of Intent  
Attachment K: Development Variance Permit PL2017-8037  
Attachment L: Development Permit PL2017-8038  
Attachment M: Zoning Amendment Bylaw No. 2017-65

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS 	CFO  JB
--	---------------

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

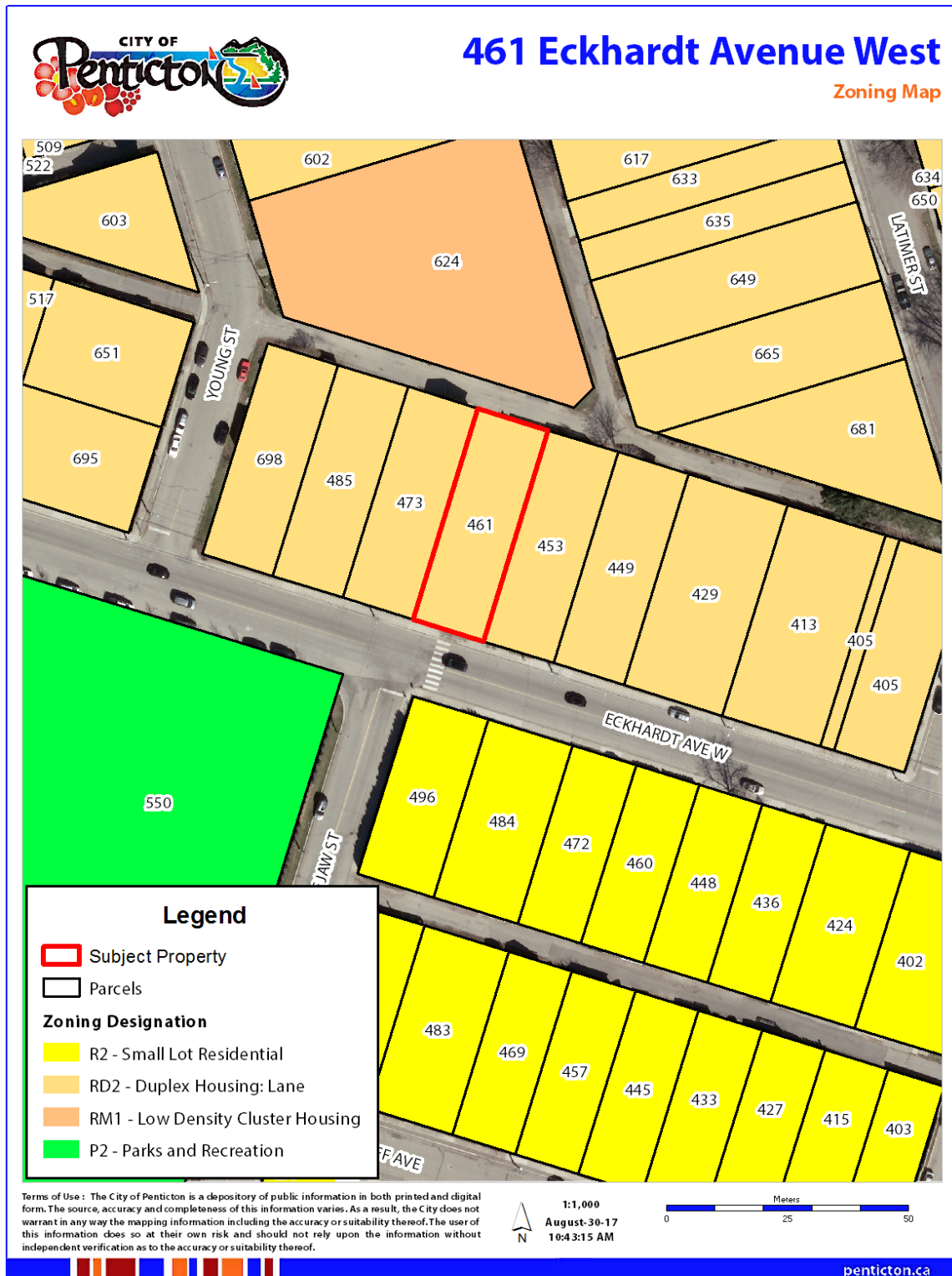


Figure 2: Zoning Map

Attachment C- OCP Map

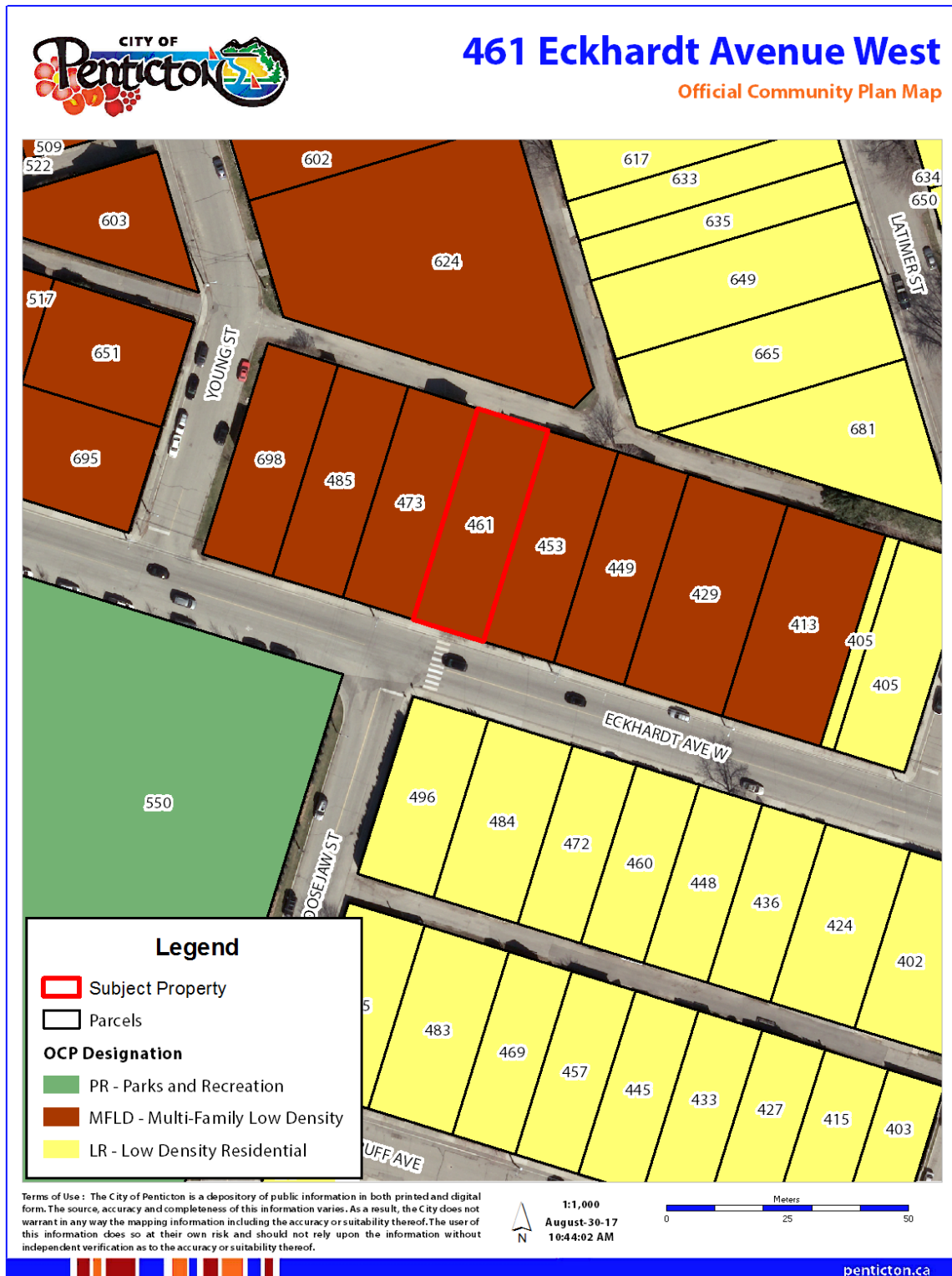


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Eckhardt Avenue West)



Figure 5: North View (from lane)



Figure 6: Back Yard looking North

Attachment E - Site Plan

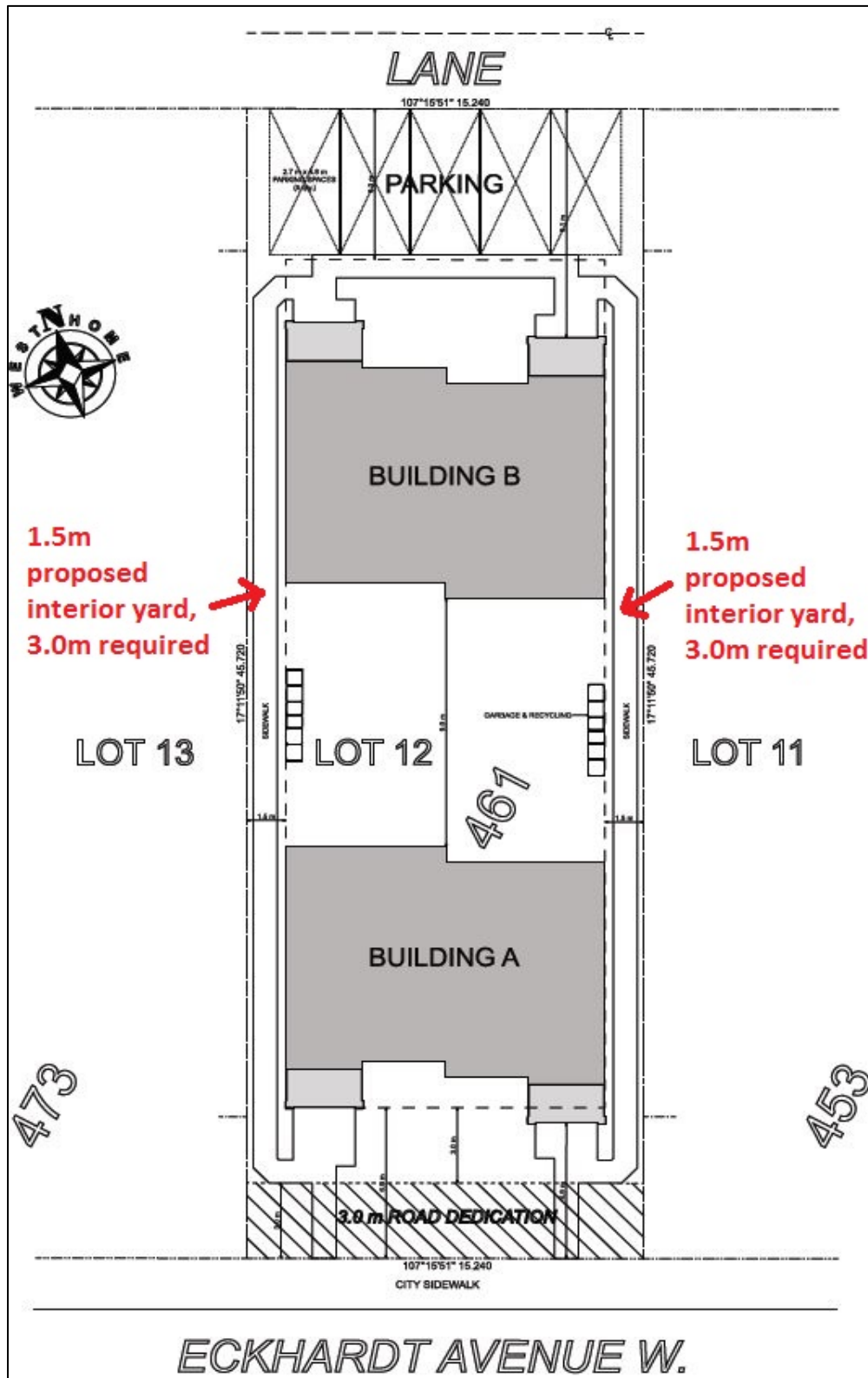


Figure 7: Site Plan

Attachment F – Elevations

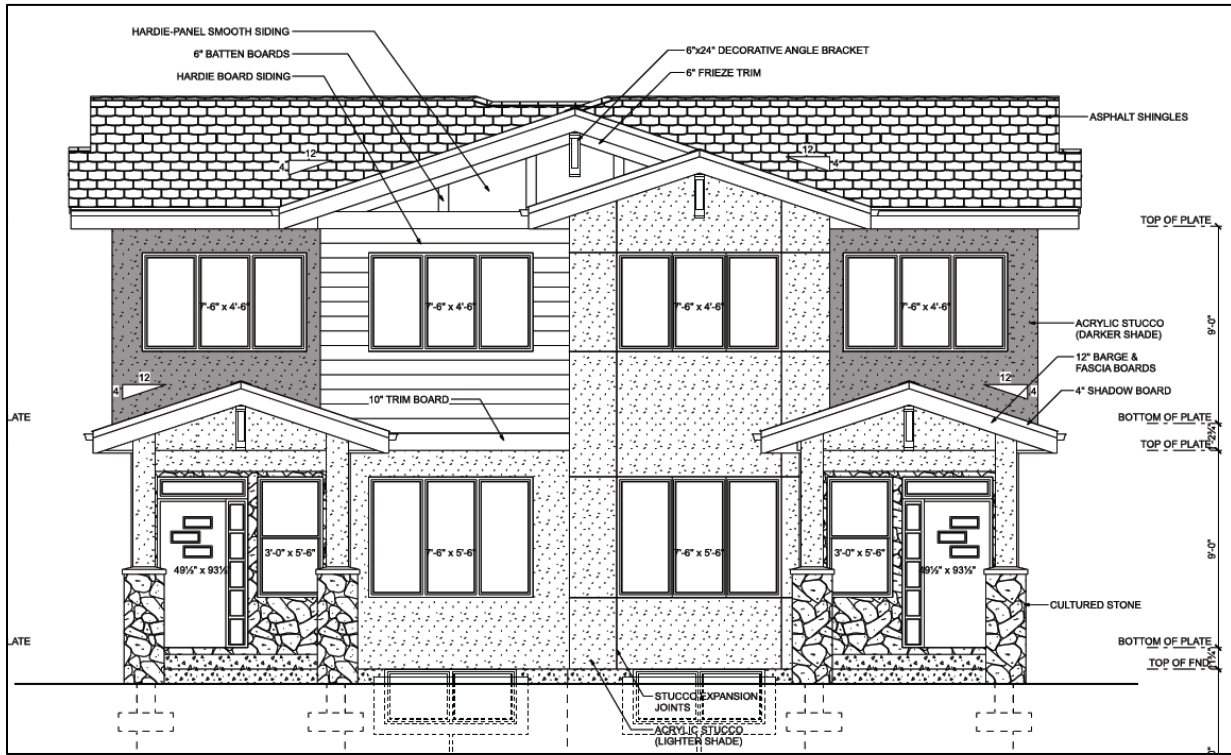


Figure 8: South Elevation (from Eckhardt Avenue West) & North Elevation (from Lane)



Figure 9: Elevation between Units



Figure 10: Side Elevation

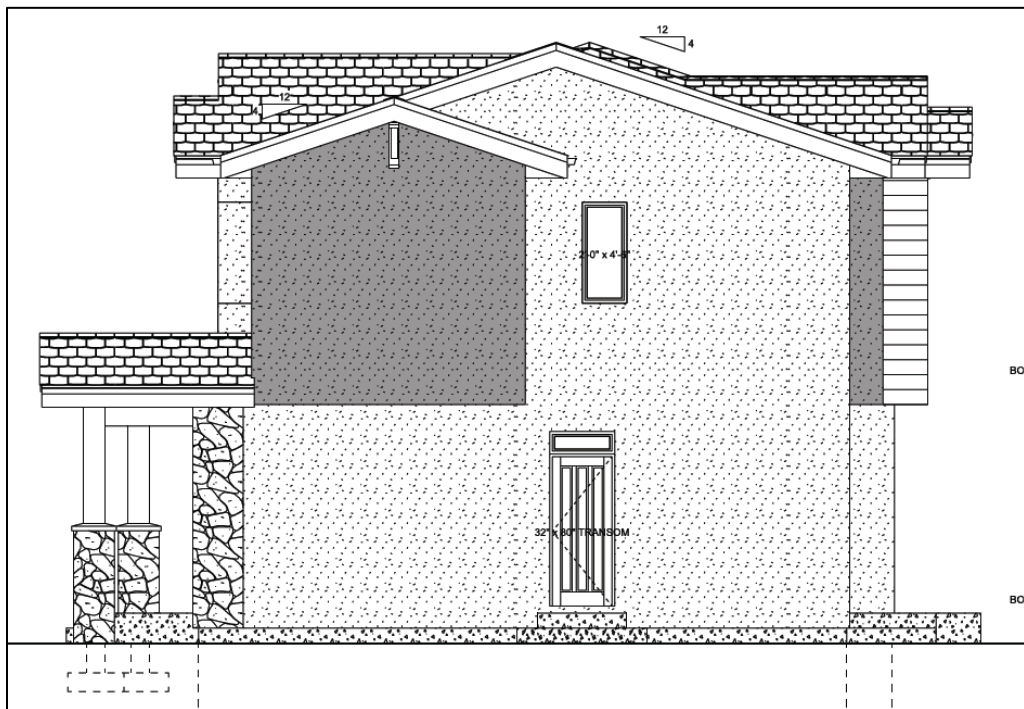


Figure 11: Side Elevation

Attachment G – Proposed Renderings



Figure 12: South Rendering (from Eckhardt Avenue West)



Figure 13: North Rendering (from lane)



Figure 14: Rendering between Units

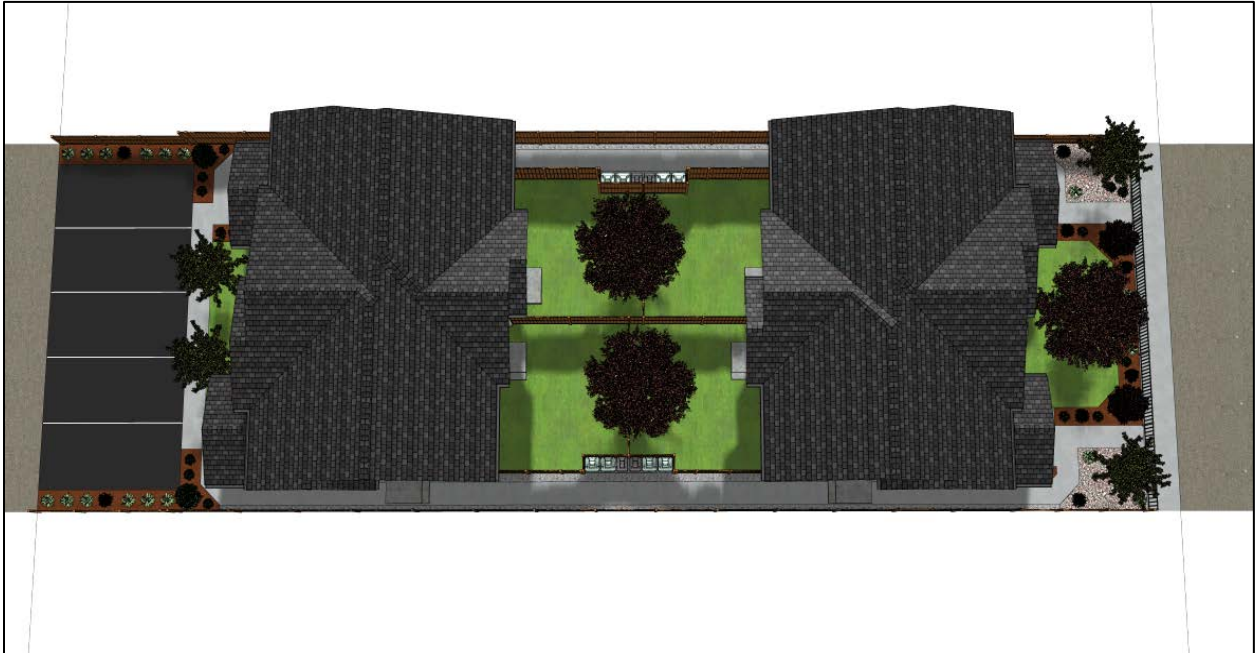


Figure 15: Rendering from Above

Attachment H – Landscape Plan

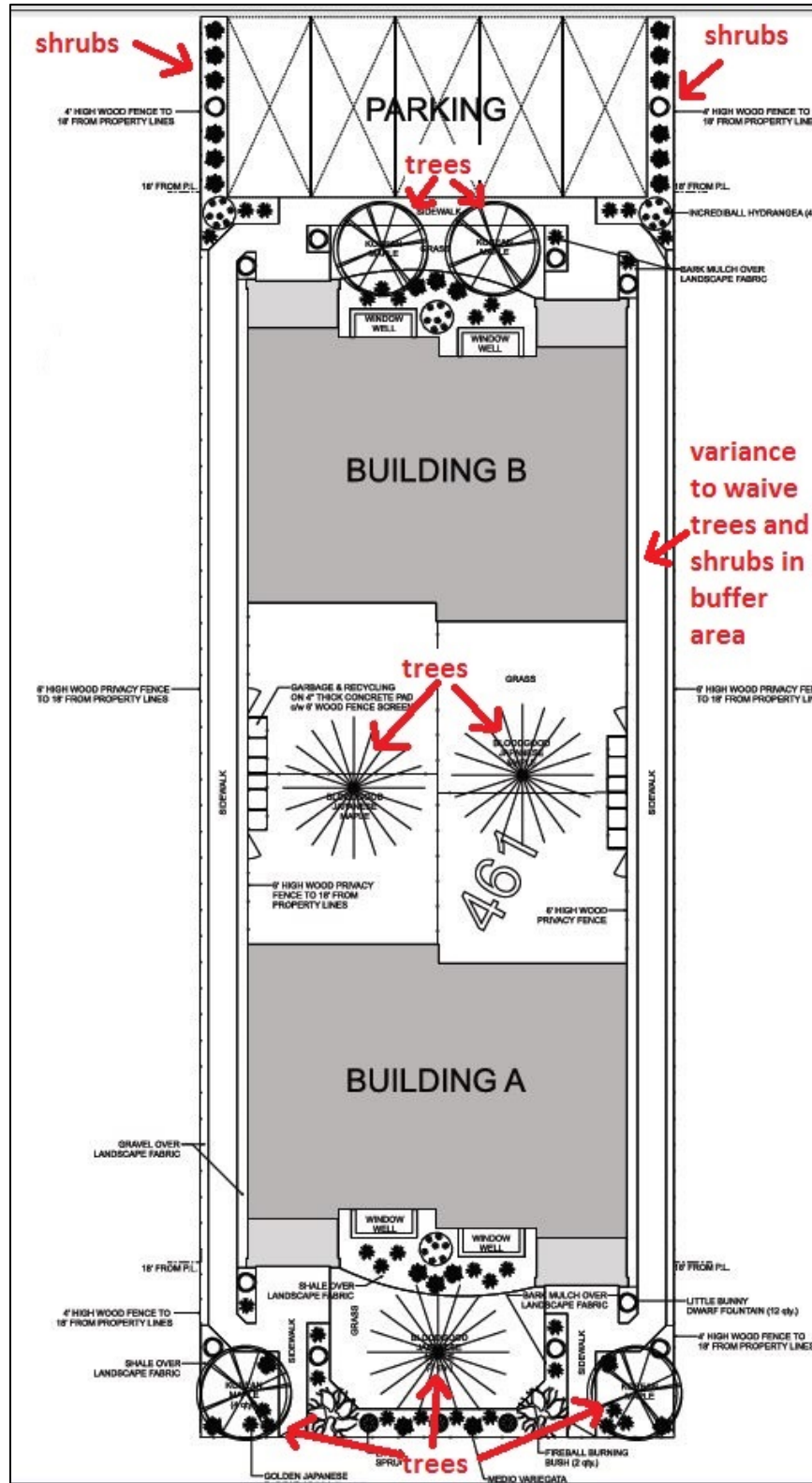


Figure 16: Landscape Plan

Attachment I- Floor Plans

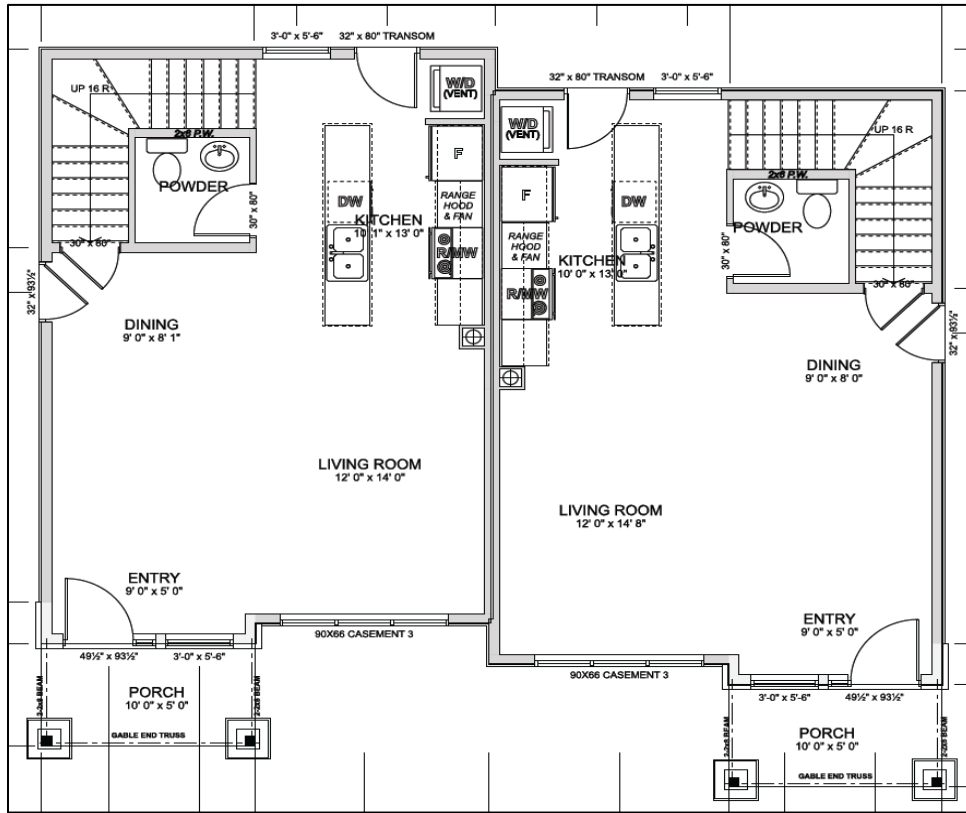


Figure 17: Main Floor Plan

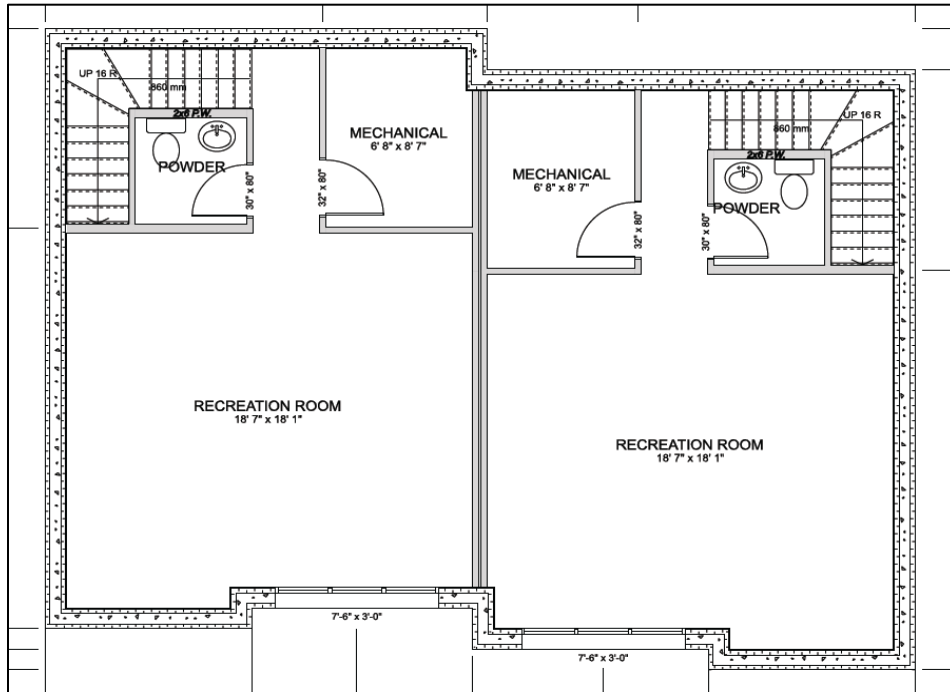


Figure 18: Basement Floor Plan

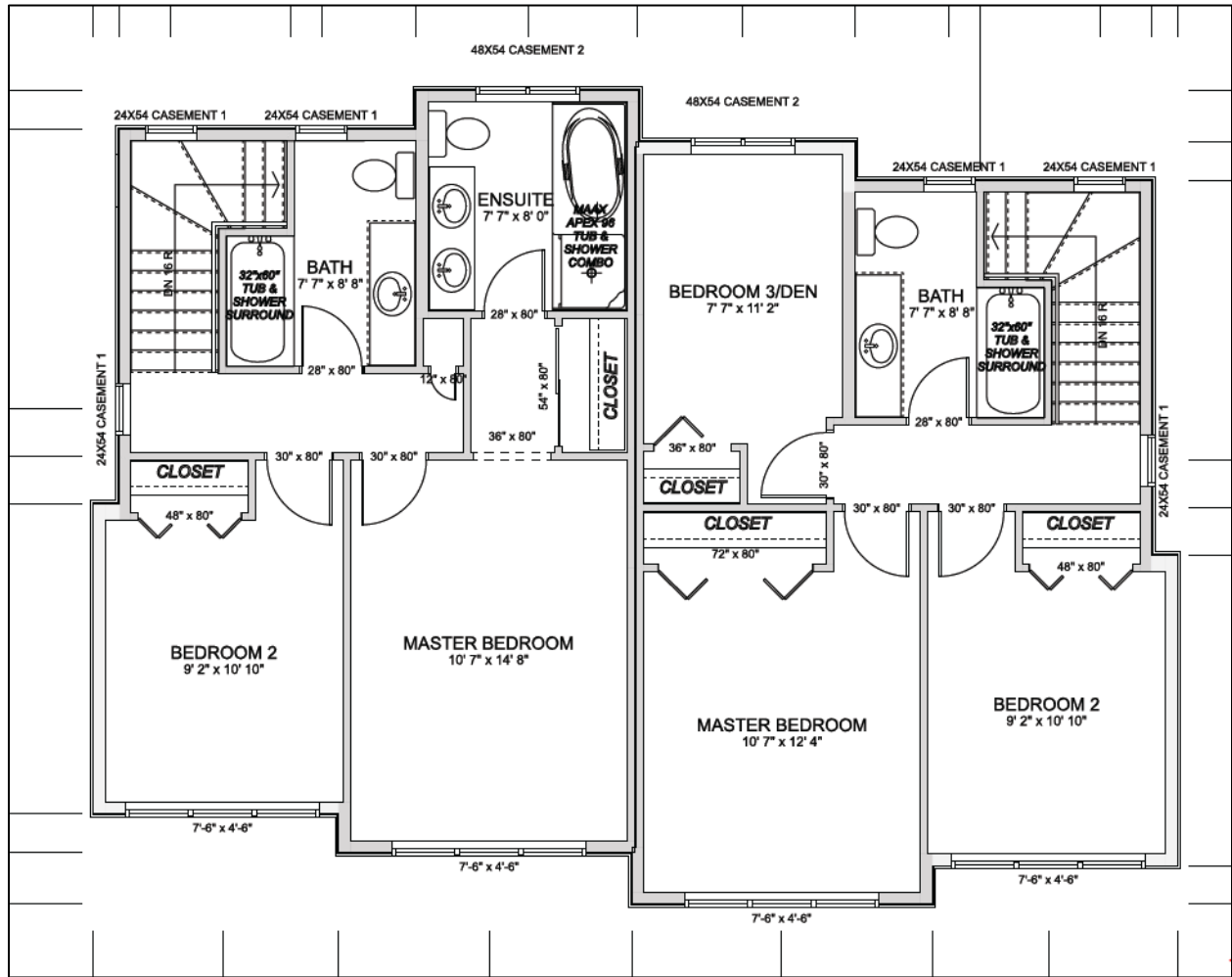


Figure 19: Second Storey Plan

Attachment J - Letter of Intent



August 14, 2017

Giroux Design Group Inc.  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 461 Eckhardt Avenue Development Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed OCP amendment, rezoning, and development of the property located at 461 Eckhardt Avenue. The proposal is to take a large single-family lot with a single residence and rezone the lot to develop two duplex buildings without basement suites. We believe this proposal fits nicely into an area that is a mix of single family and multifamily developments, and the location is excellent for a development of this nature.

The current OCP designation is MFLD, this allows for multi-unit projects such as this. The current zoning is RD2 which allows for one duplex building, we are requesting a rezoning to RM2 to allow for a second duplex building. The variances required are as follows: 1) Reduce the side setbacks from 3.0 m to 1.5 m. This is in harmony with the requirement for side yard setbacks for duplexes and will allow for more yard space in the front and rear yards. The design of the building orients the windows to the front and rear of the buildings, so this reduction in the side yards will not reduce the privacy of the neighbors. 2) Vary the requirements for landscape buffering. We are requesting this variance to allow for the planting of the trees and shrubs outside of the 3.0 m side yards. There are seven trees and many shrubs in the landscape plans, which exceeds the actual requirements of the bylaw, however it makes more sense for privacy and aesthetics to move the trees and shrubs towards the centre of the property. The development needs no other variances as it fits easily into the other bylaw requirements.

In summary, we feel confident that the proposed development is tasteful and respectful of the existing character of the neighborhood. It will help improve the appearance of one of the main roads entering our downtown area and provide quality housing for families in our community. Thank you for considering our proposal.

Best regards,

A handwritten signature in black ink, appearing to read 'Tony Giroux', is written over a light blue horizontal line.

Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group Inc.

Figure 20: Letter of Intent

Attachment K - Development Variance Permit PL2017-8037



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

## Development Variance Permit

**Permit Number: DVP PL2017-8037**

Name:  
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 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 937  
Civic: 461 Eckhardt Avenue West  
PID: 006-687-792
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construct of two side-by-side duplexes.
  - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
  - Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

### 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 \_\_\_\_\_ 2017

Issued this \_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Attachment L - Development Permit PL2017-8038



CITY OF  
**Penticton**

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

## Development Permit

**Permit Number: DP PL2017-8038**

Name:  
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 12 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 937  
Civic: 461 Eckhardt Avenue West  
PID: 006-687-792
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two side-by-side 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 \$9000.00 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 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 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> 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 \_\_\_\_\_, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Bylaw No. 2017-65

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-65".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 12, District Lot 4, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this day of , 2017
A PUBLIC HEARING was held this day of , 2017
READ A SECOND time this day of , 2017
READ A THIRD time this day of , 2017
RECEIVED the approval of the day of , 2017
Ministry of Transportation on the
ADOPTED this day of , 2017

Notice of intention to proceed with this bylaw was published on the day of , 2017 and the day of , 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

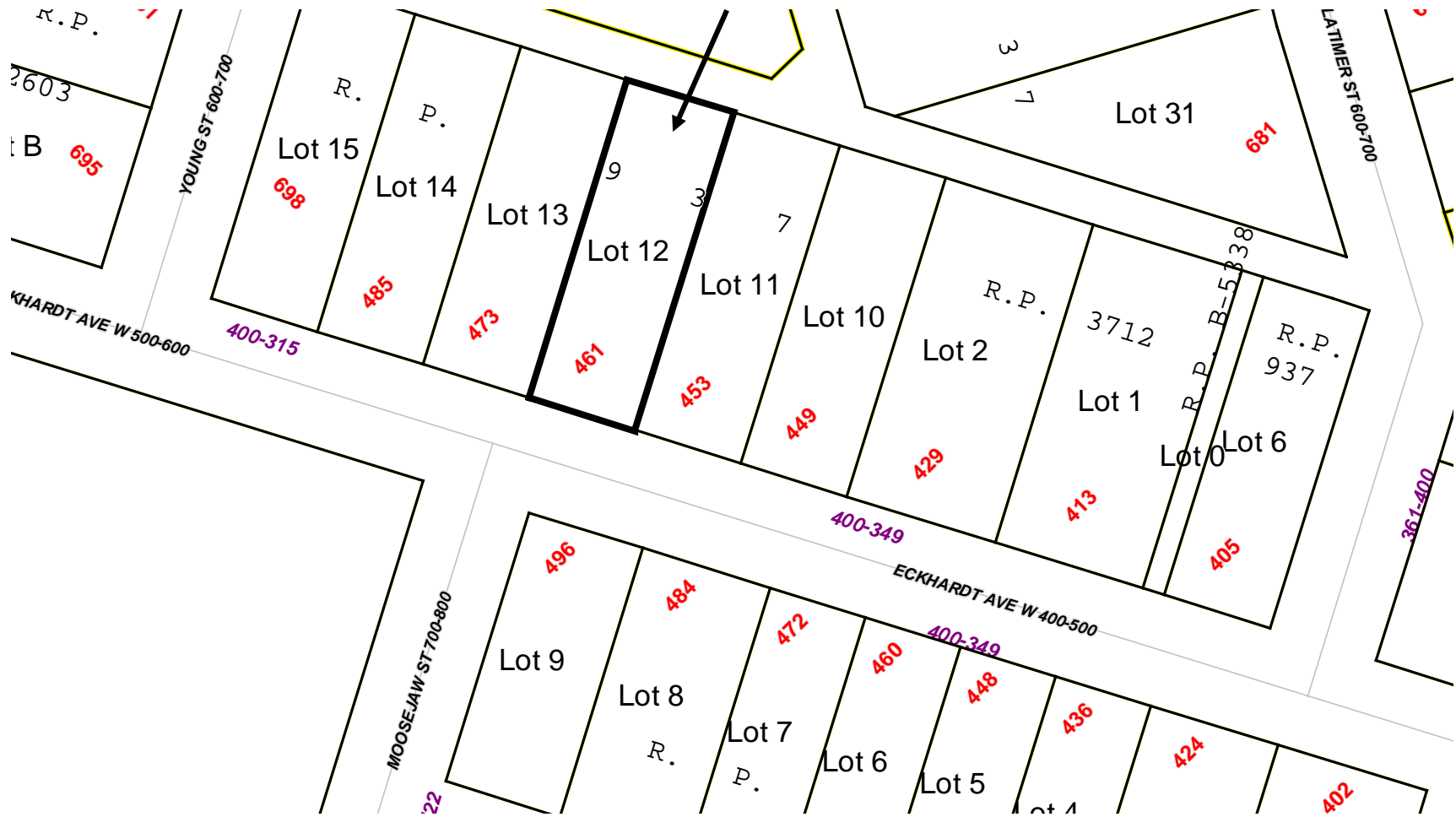
Approved pursuant to section 52(3)(a) of the Transportation Act
this day of , 2017
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

# Rezone 461 Eckhardt Ave W

## From RD2 (Duplex Housing: Lane) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-65

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 641 Winnipeg Street

File No: OCP PL2017-8039  
RZ PL2017-8040  
DVP PL2017-8041  
& DP PL2017-8042

**Subject: OCP Amendment Bylaw No. 2017- 66  
Zoning Amendment Bylaw No. 2017-67  
Development Variance Permit PL2017-8041  
Development Permit PL2017-8042**

## Staff Recommendation

### *Official Community Plan Amendment*

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-66" 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 consultation conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2017-66", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-67", being a bylaw to Rezone Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-67", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-8041" for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT council consider "DVP PL2017-8041" following the adoption of "Zoning Amendment Bylaw No. 2017-67".

### *Development Permit*

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-67", approve Development Permit PL2017-8042 for Lot 7 District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, a permit that allows for the construction of two duplexes.

### **Strategic priority objective**

N/A

### **Background**

The subject property (Attachment A) is currently designated in the Official Community Plan as LR (Low Density Residential) and is zoned RD2 (Duplex Housing: Lane). Photos of the site are included as Attachment D. The site is approximately 678.2m<sup>2</sup> (7300ft<sup>2</sup>) and features a single detached dwelling with accessory structures to be demolished. Surrounding properties are zoned RD1 (Duplex Housing), RD2 (Duplex Housing: Lane) and RM3 (Medium Density Multiple Housing). As this is an area close to downtown, the City is starting to see proposals for more density in this neighbourhood.

### **Proposal**

The developer is proposing to construct two duplexes. One duplex will front Winnipeg Street and one will front the lane. Each unit will be two storeys with a basement. Each unit will be approximately 2,175ft<sup>2</sup> with a recreation room in the basement, living area and den on the main floor and three bedrooms upstairs. Since two duplexes on a lot are not permitted in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

Secondly, the applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment B of this report) from LR (Low Density Residential) to MR (Medium Density Residential).

Thirdly, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.

- Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

Lastly, the property is located within the Downtown Multiple Family Development Permit area and requires approval for the form and character of the townhouse and to address landscaping requirements.

### Public consultation

During the pre-application process, City Staff recommended that the developers consult with neighbours due to the proposed OCP change from low to medium density residential. The developer's held a lunch meeting with the neighbourhood to get their opinion on the proposed land use change, density and design. Based on feedback, the proposed units will maintain the craftsman exterior with a maximum of two-storeys in height. The developer's also agreed not to put basement suites in the units and provide landscaping and trees off the lane. The developers agreed to provide the adequate number of parking spaces.

### Project Specifications

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

Item	Requirement RM2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	38.7%
<b>Maximum Density:</b>	0.8 FAR	0.8 FAR
<b>Minimum Lot Width:</b>	18.0m	15.24m* (see below)
<b>Minimum Lot Area:</b>	540m <sup>2</sup>	678.2m <sup>2</sup>
<b>Vehicle Parking:</b>	1 space per dwelling unit + 0.25 per unit for visitors (5 total)	5 spaces
<b>Required Setbacks</b>		
Front yard (east, Winnipeg Street):	3.0m	3.0m
Rear yard (west, Lane):	6.0m	8.5m
Interior yard (north):	3.0m	1.5m (variance required)
Interior yard (south):	3.0m	1.5m (variance required)
<b>Maximum Building Height:</b>	12.0m	7.4m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (80m <sup>2</sup> total)	91.2m <sup>2</sup>
<b>Other Information:</b>	- The subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required. - *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.	

### Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm

water/drainage is to be maintained on site. The existing sidewalk letdown along Winnipeg Street is required to be re-instated at an approximate cost of \$5,000 to the developer. The lane may require some minor repair and resurfacing during driveway construction. The proposed OCP amendment from low to medium density triggers a requirement for a hydrant. In a low density neighbourhood, the maximum hydrant spacing is 180.0m whereas the maximum hydrant spacing for a medium density neighbourhood is 90.0m. By changing the use to medium density, it creates a deficiency in our system, thus a new hydrant is required at a cost of \$9,000 to the developer. A similar OCP amendment at 681 Winnipeg Street is being proposed so the cost can be split if the applications are successful. (\$4,500 each). It has been determined that a 1.0m road widening on the subject property will help to achieve the ultimate desired 20.0m width of Winnipeg Street. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

### **Financial implication**

N/A

### **Analysis**

#### ***OCP & Zoning Amendment***

##### Support OCP and Zoning amendment

The subject property is designated LR (Low Density Residential) under OCP Bylaw 2002-20. The applicants are proposing to change the OCP designation to MR (Medium Density Residential) in order to rezone the property to multiple family. Although the City's OCP projected lower density in this area, staff considers that the proximity to the downtown and nearby services makes it appropriate for a higher density designation. Staff required the developer's to meet with the neighbourhood to get their opinion about the proposed density increase. Overall feedback was positive and the developers have proposed a plan that is acceptable to the nearby residents. The proposal adds to the already diverse range of housing, types, tenures and densities of the downtown area.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification near the downtown;
- Provide for the integration of new medium density development adjacent to lower density development;
- Encourage densification in areas where existing services can accommodate higher densities; and
- Encourage a wide range of Medium Density Residential housing, including cluster housing and compact housing.

The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification given the proximity to the downtown core. For the reasons mentioned above, staff are recommending that Council support the land use designation change, as provided in this report and refer the application to the October 17, 2017 Public Hearing.

### Deny/Refer

Council may consider that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendments do not go forward, the property will be restricted to one duplex with suites if so desired. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### **Development Variance Permit**

#### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints 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.

*Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.*

- The developer is required to plant trees and shrubs within the landscape buffer area. A 1.5m setback is not enough space to plant sizeable trees. The developer is proposing to plant 6 trees and multiple shrubs throughout the rest of the development to make up for the reduced landscaping in the buffer area. Council has approved similar variances in the past. \*NOTE this variance is not to waive the requirement to provide landscaping in the entire development, but only in the buffer area.

*Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.*

- The developer is proposing to reduce the north and south interior yards from 3.0m to 1.5m. If the developer constructed a dwelling with the current RD2 (Duplex Housing: Lane) zoning, a 3-storey duplex or 3-storey single family dwelling with a carriage house could be constructed 1.5m from the interior property lines without a variance. The City is seeing a trend of developer's constructing two duplexes with the same configuration, thus Council has recently approved variances reducing the interior yards from 3.0m to 1.5m. The developer consulted extensively with the neighbours and came forth with a 2-storey proposal based on their recommendations. The side elevations have 3 smaller windows on the second storey which are in the master bedroom and upstairs hallway. This will have less privacy concerns on the neighbours than if it was a living room. For the reasons above it is reasonable to support the variance.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the 3.0m setback. If this is the case, Council should deny the variances.

### **Development Permit**

### Support Development Permit

The subject property is located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although the Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods." The proposed development meets the intent of the bylaw as explained below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.
- The storage for the garbage and recycling carts are screened by fencing.
- The walkways to the city sidewalk provide a pleasant connection to the street.
- The layout creates private amenity space in-between units, away from the street and lane.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

### Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

### **Alternate Recommendations**

1. THAT Council give first readings to "OCP Amendment Bylaw No.2017-66" and "Zoning Amendment Bylaw No. 2017-67" but deny support to "Development Variance Permit PL2017-8041 and Development Permit PL2017-8042."
2. THAT Council give first reading to "OCP Amendment Bylaw No. 2017-66" and deny first reading of "Zoning Amendment Bylaw No. 2017-67."

### **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Photos of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Building Elevations
Attachment G:	Site Plan

Attachment H: Landscape Plan  
Attachment I: Floor Plans  
Attachment J: Renderings  
Attachment K: DVP PL2017-8041  
Attachment L: DP PL2017-8042  
Attachment M: OCP Amendment Bylaw No. 2017-66  
Attachment N: Zoning Amendment Bylaw No. 2017-67

Respectfully submitted,

Randy Houle  
Planner I

Approvals

Director <i>AH</i>	CFO <i>JB</i>
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Attachment A - Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B - OCP Map

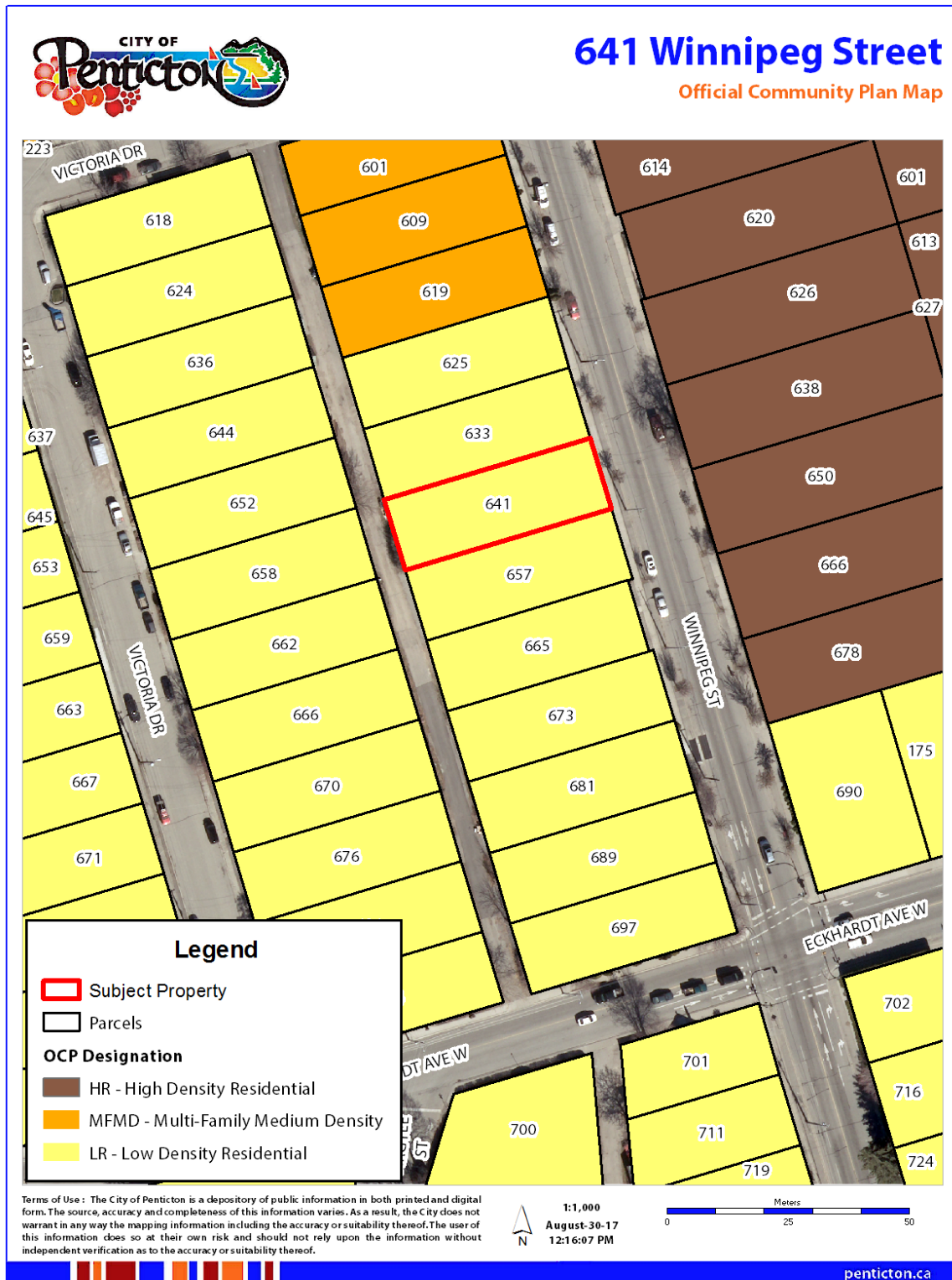


Figure 2: OCP Map

Attachment C - Zoning Map

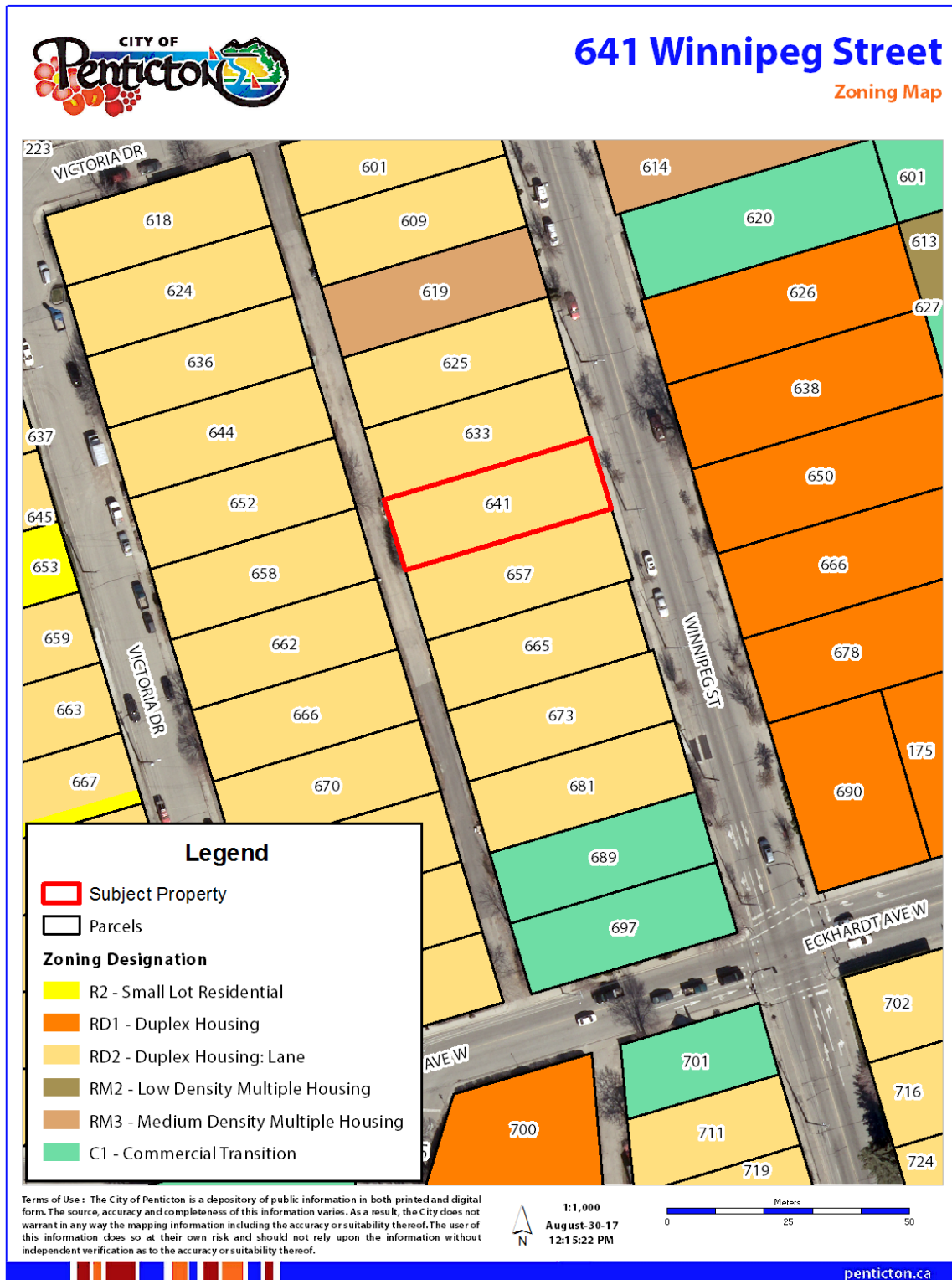


Figure 3: Zoning Map

Attachment D – Photos of Subject Property



Figure 4: East Elevation (From Winnipeg Street)



Figure 5: West Elevation (from lane)



Figure 6: East Elevation showing proximity to neighbours

Attachment E –Letter of Intent

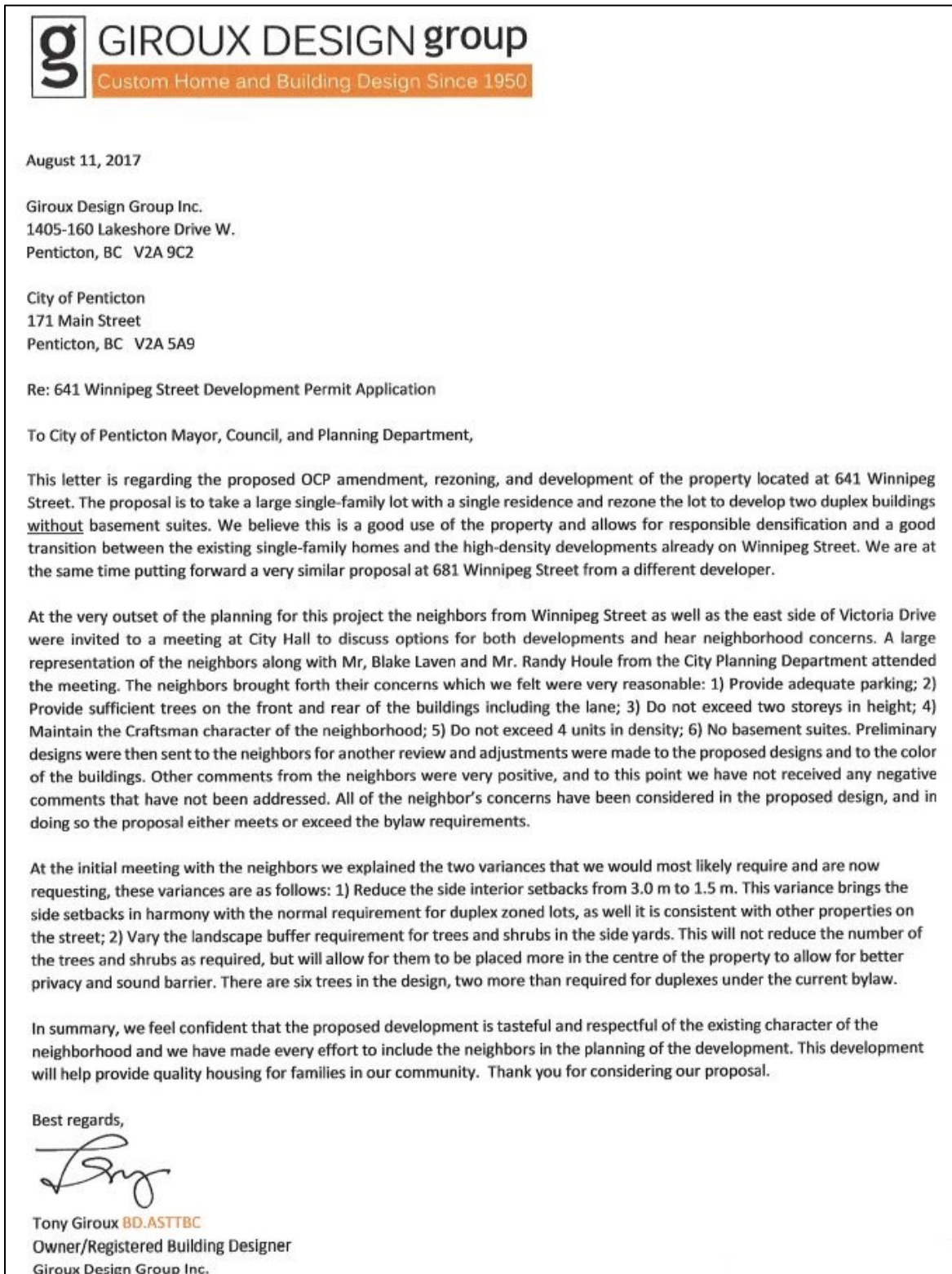


Figure 7: Letter of Intent

### Attachment F – Building Elevations



Figure 8: East Elevation (from Winnipeg Street) & West Elevation (from lane)



Figure 9: Elevation in-between Duplexes



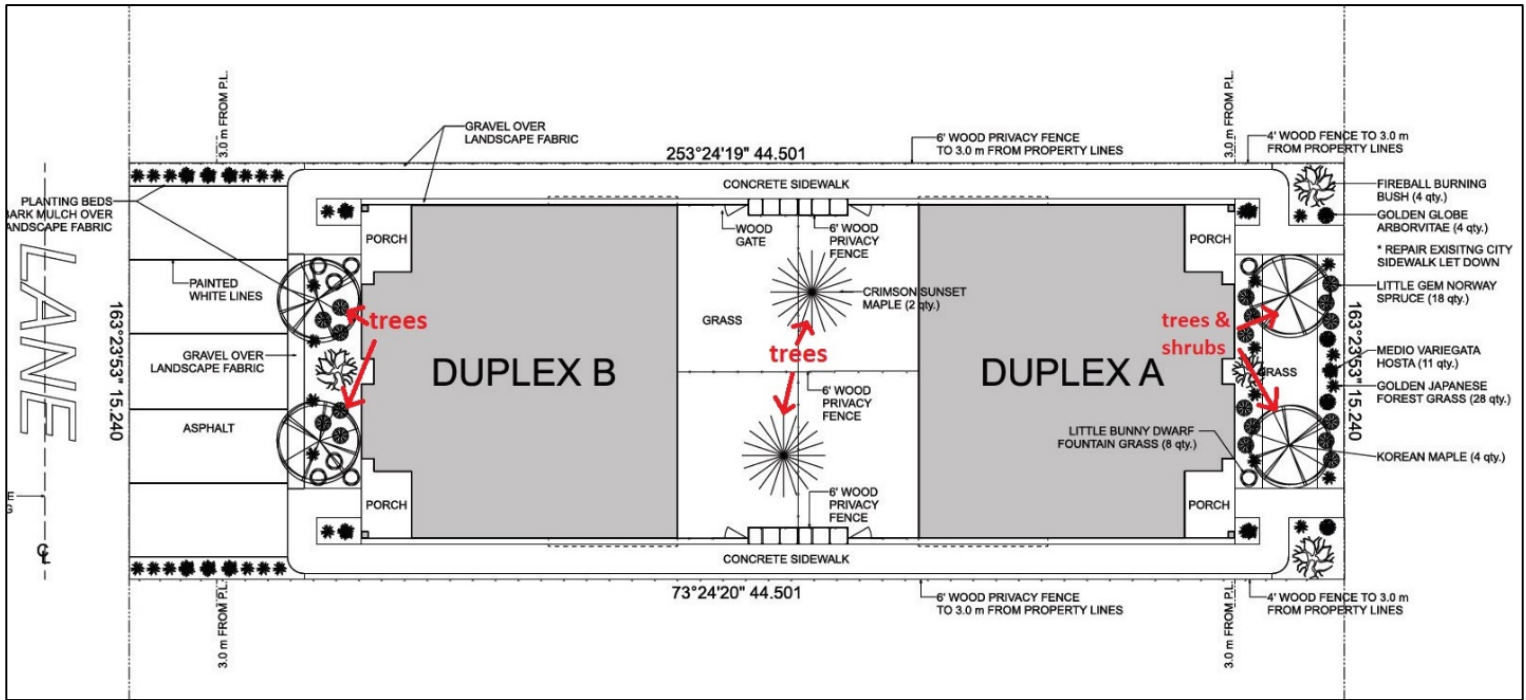
Figure 10: Side Elevation



Figure 11: Side Elevation



Attachment H: Landscape Plan



LANDSCAPE SCHEDULE	
<b>PLANTINGS/LANDSCAPE ITEMS</b>	
FIREBALL BURNING BUSH:	4 qty.
GOLDEN GLOBE ARBORVITAE:	4 qty.
GOLDEN JAPANESE FOREST GRASS:	28 qty.
LITTLE BUNNY DWARF FOUNTAIN GRASS:	8 qty.
LITTLE GEM NORWAY SPRUCE:	18 qty.
MEDIO VARIEGATA HOSTA:	11 qty.
<b>TREES</b>	
KOREAN MAPLE:	4 qty.
CRIMSON SUNSET MAPLE:	2 qty.
<b>HARD SURFACES/GROUND COVER</b>	
ASPHALT:	847 sq.ft.
CONCRETE SIDEWALKS:	1037 sq.ft.
PLANTING BEDS:	952 sq.ft.
GRAVEL:	369 sq.ft.
LANDSCAPE FABRIC:	1321 sq.ft.
GRASS:	1316 sq.ft.
<b>FENCING</b>	
4' HIGH WOOD FENCE:	34 lin.ft.
6' HIGH WOOD PRIVACY FENCE:	341 lin.ft.
CONCRETE & METAL FENCE:	50 lin.ft.
<b>NOTE: LANDSCAPING TO INCLUDE UNDERGROUND IRRIGATION SYSTEM ON TIMERS, COMPLETE WITH WATER SENSORS.</b>	

Figure 13: Landscape Plan

Attachment I: Floor Plans

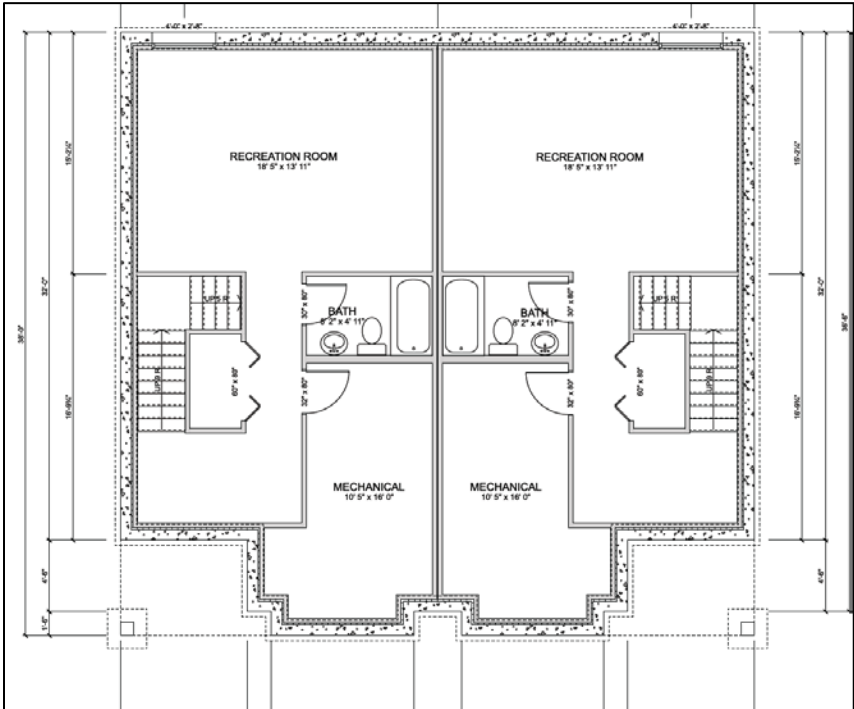


Figure 14: Basement Floor Plan

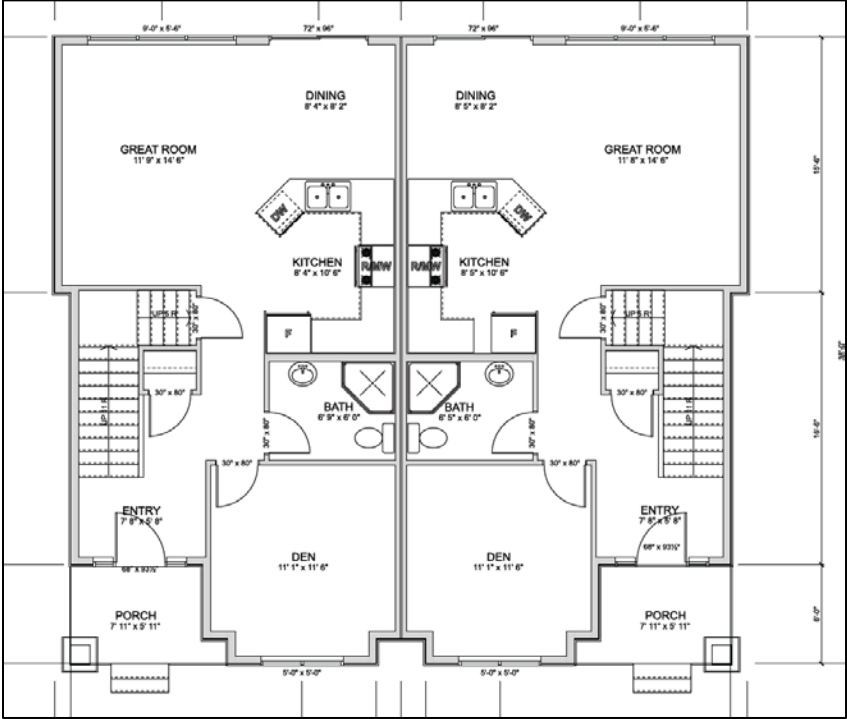


Figure 15: Main Storey Floor Plan

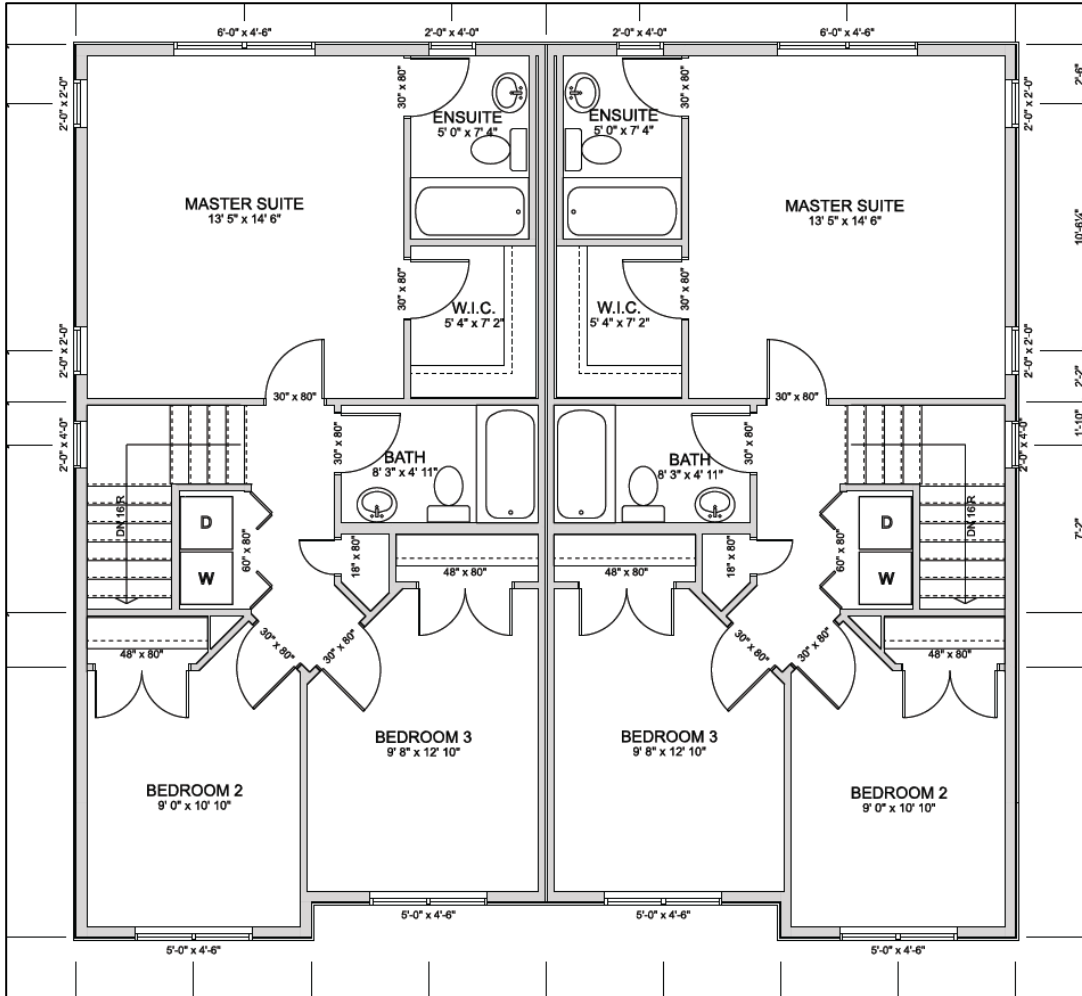


Figure 16: Second Storey Floor Plan

Attachment J: Renderings



Figure 17: View from Winnipeg Street



Figure 18: View from Back Lane



Figure 19: North View



Figure 20: South View

Attachment K: DVP PL2017-8041



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

## Development Variance Permit

**Permit Number: DVP PL2017-8041**

Name:  
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 7 District Lot 4 Similkameen Division Yale District Plan 804  
Civic: 641 Winnipeg Street  
PID: 011-768-291
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construct of two side-by-side duplexes.
  - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
  - Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

### 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 \_\_\_\_\_ 2017

Issued this \_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

DVP PL2017-8041

Page 2 of 2

Attachment L: DP PL2017-8042



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## Development Permit

**Permit Number: DP PL2017-8042**

Name:  
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 7 District Lot 4 Similkameen Division Yale District Plan 804  
Civic: 641 Winnipeg Street  
PID: 011-768-291
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two side-by-side 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 \$8760.00 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 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 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> 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.

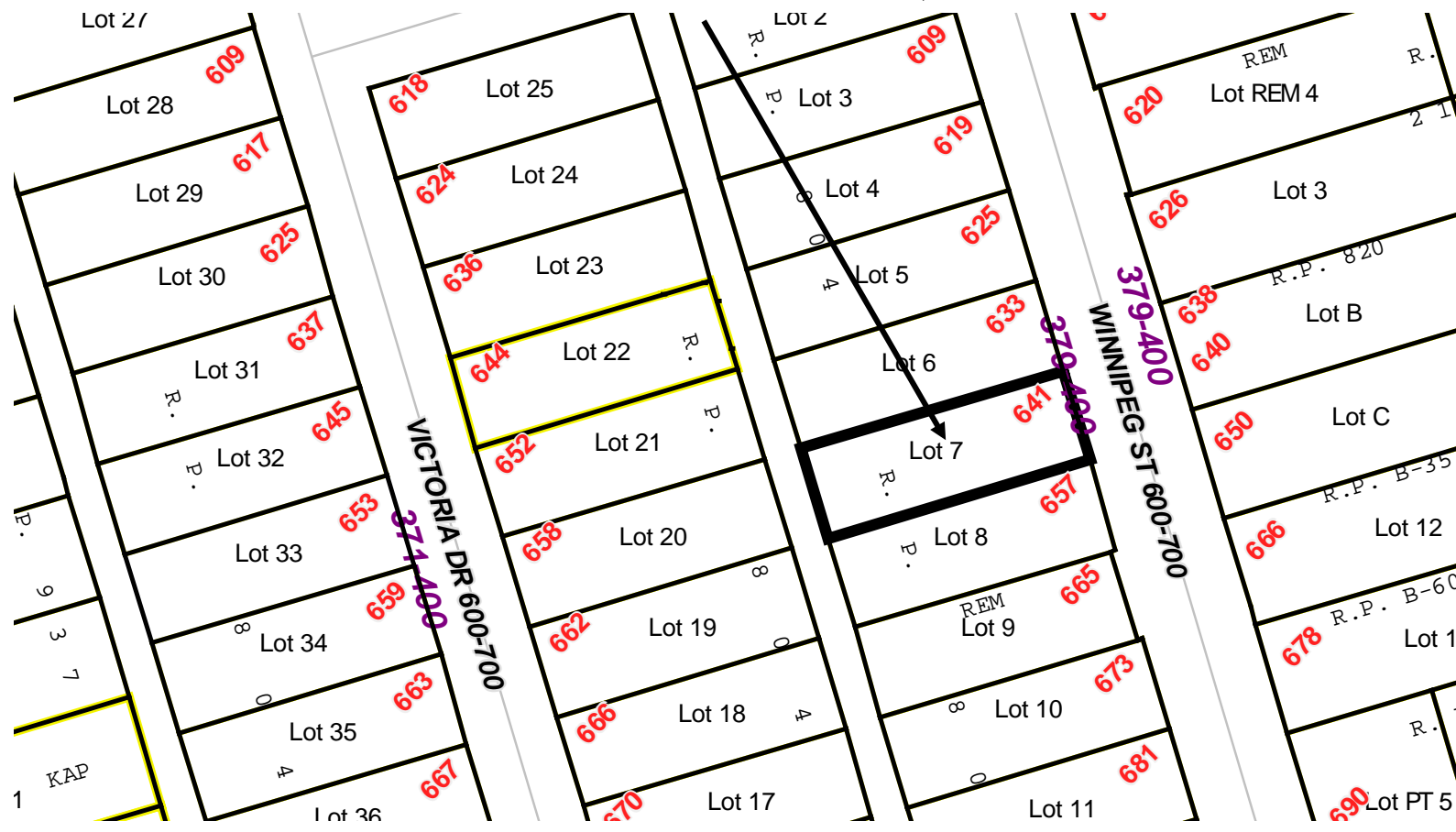
Authorized by City Council, the \_\_\_ day of \_\_\_\_\_, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer



# Amend 'Schedule B: Future Land Use Map' of OCP Bylaw 2002-20 To change the OCP designation of 641 Winnipeg Street From LR (Low Density Residential) to MR (Medium Density Residential)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-66

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

Bylaw No. 2017-67

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-67".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 7, District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2017
ADOPTED this	day of	, 2017

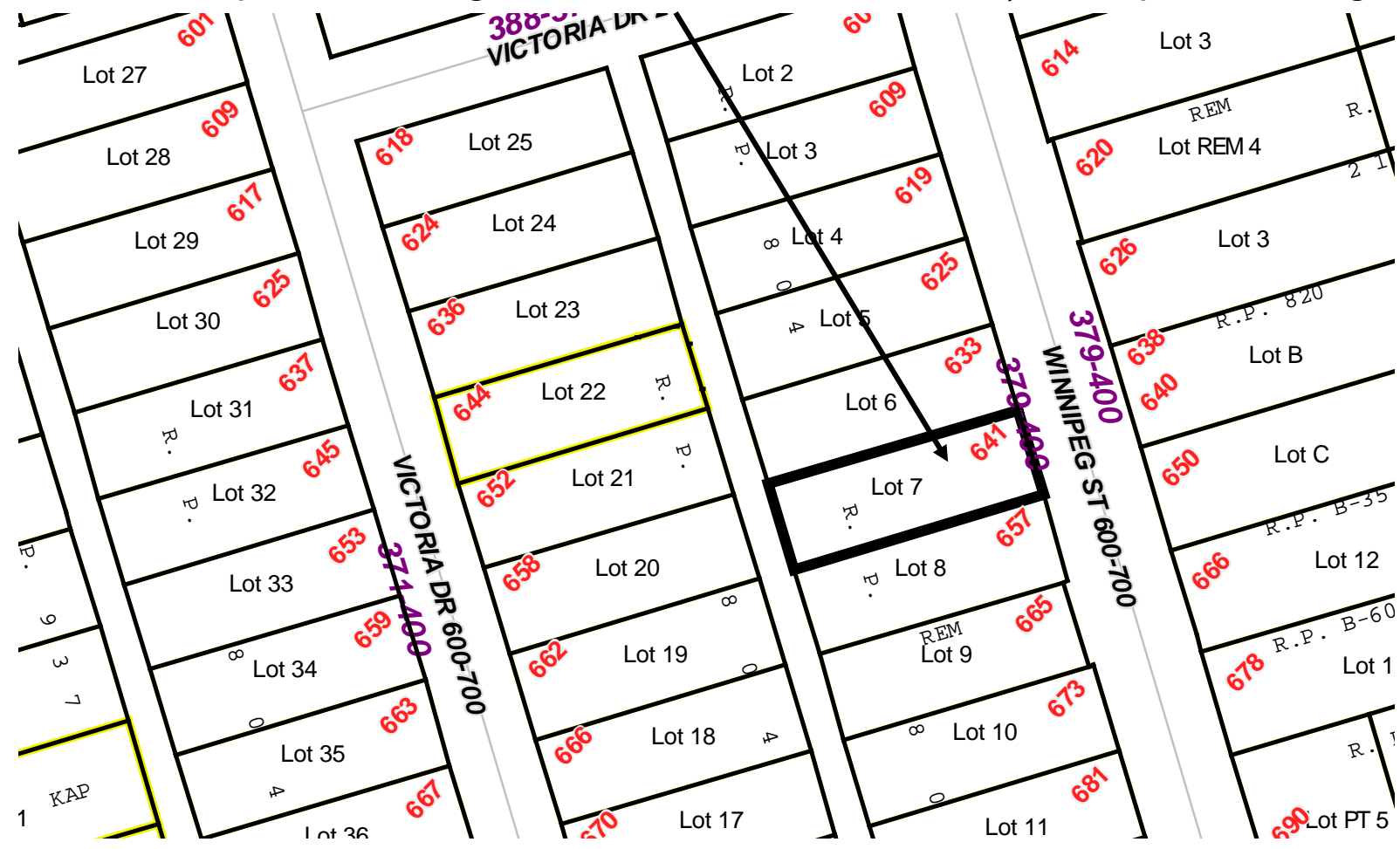
Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2017 and the \_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
--

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

# Rezone 641 Winnipeg Street From RD2 (Duplex Housing: Lane) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-67

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 681 Winnipeg Street

File No: OCP PL2017-8043  
RZ PL2017-8044  
DVP PL2017-8045  
& DP PL2017-8046

**Subject:** **OCP Amendment Bylaw No. 2017- 68**  
**Zoning Amendment Bylaw No. 2017-69**  
**Development Variance Permit PL2017-8045**  
**Development Permit PL2017-8046**

## Staff Recommendation

### *Official Community Plan Amendment*

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-68" 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 consultation conducted to date is sufficient;

AND THAT "OCP Amendment Bylaw No. 2017-68", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, shown as Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential); be introduced, given first reading and forwarded to the October 17, 2017 Public Hearing.

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-69" being a bylaw to Rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-69", a 1.0m road dedication along the east property line (Winnipeg Street) is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-8045" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit to waive the requirements to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard for a principal building from 3.0m to 1.5m, be heard at the October 17, 2017 Public Hearing;

AND THAT council consider "DVP PL2017-8045" following the adoption of "Zoning Amendment Bylaw No. 2017-69".

### *Development Permit*

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-69", approve Development Permit PL2017-8046 for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, a permit that allows for the construction of two duplexes.

### **Strategic priority objective**

N/A

### **Background**

The subject property (Attachment A) is currently designated in the Official Community Plan as LR (Low Density Residential) and is zoned RD2 (Duplex Housing: Lane). Photos of the site are included as Attachment D. The site is approximately 678.2m<sup>2</sup> (7300ft<sup>2</sup>) and features a single detached dwelling with accessory structures to be demolished. Surrounding properties are zoned RD1 (Duplex Housing), RD2 (Duplex Housing: Lane) and C1 (Commercial Transition). As this is an area close to downtown, the City is starting to see proposals for more density in this neighbourhood.

### **Proposal**

The developer is proposing to construct two duplexes. One duplex will front Winnipeg Street and one will front the lane. Each unit will be two storeys with a crawlspace. Each unit will be approximately 1,468ft<sup>2</sup> with a living area and den on the main floor and three bedrooms upstairs. Since two duplexes on a lot are not permitted in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

Secondly, the applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

- 'Schedule B: Future Land Use Map' to change the OCP designation of the site (as identified on Attachment B of this report) from LR (Low Density Residential) to MR (Medium Density Residential).

Thirdly, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
- Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

Lastly, the property is located within the Downtown Multiple Family Development Permit area and requires approval for the form and character of the townhouse and to address landscaping requirements.

### Public consultation

During the pre-application process, City Staff recommended that the developers consult with neighbours due to the proposed OCP change from low to medium density residential. The developer`s held a lunch meeting with the neighbourhood to get their opinion on the proposed land use change, density and design. Based on feedback, the proposed units will maintain the craftsman exterior with a maximum of two-storeys in height. The developer`s also agreed not to put basement suites in the units and provide landscaping and trees off the lane. The developers agreed to provide the adequate number of parking spaces.

### Project Specifications

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

Item	Requirement RM2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	38.7%
<b>Maximum Density:</b>	0.8 FAR	0.8 FAR
<b>Minimum Lot Width:</b>	18.0m	15.24m* (see below)
<b>Minimum Lot Area:</b>	540m <sup>2</sup>	678.2m <sup>2</sup>
<b>Vehicle Parking:</b>	1 space per dwelling unit + 0.25 per unit for visitors (5 total)	5 spaces
<b>Required Setbacks</b>		
Front yard (east, Winnipeg Street):	3.0m	3.0m
Rear yard (west, Lane):	6.0m	8.5m
Interior yard (north):	3.0m	1.5m (variance required)
Interior yard (south):	3.0m	1.5m (variance required)
<b>Maximum Building Height:</b>	12.0m	7.4m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (80m <sup>2</sup> total)	91.2m <sup>2</sup>
<b>Other Information:</b>	- The subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required. - *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.	

### Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The lane may require some minor repair and resurfacing during driveway construction. The proposed OCP amendment from low to medium density triggers a requirement for a hydrant. In a low density neighbourhood, the maximum hydrant spacing is 180.0m whereas the

maximum hydrant spacing for a medium density neighbourhood is 90.0m. By changing the use to medium density, it creates a deficiency in our system, thus a new hydrant is required at a cost of \$9,000 to the developer. A similar OCP amendment at 641 Winnipeg Street is being proposed so the cost can be split if the applications are successful. (\$4,500 each). It has been determined that a 1.0m road widening on the subject property will help to achieve the ultimate desired 20.0m width of Winnipeg Street. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

### **Financial implication**

N/A

### **Analysis**

#### ***OCP & Zoning Amendment***

##### Support OCP and Zoning amendment

The subject property is designated LR (Low Density Residential) under OCP Bylaw 2002-20. The applicants are proposing to change the OCP designation to MR (Medium Density Residential) in order to rezone the property to multiple family. Although the City's OCP projected lower density in this area, staff considers that the proximity to the downtown and nearby services makes it appropriate for a higher density designation. Staff required the developers to meet with the neighbourhood to get their opinion about the proposed density increase. Overall feedback was positive and the developers have proposed a plan that is acceptable to the neighbourhood. The proposal adds to the already diverse range of housing, types, tenures and densities of the downtown area.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification near the downtown;
- Provide for the integration of new medium density development adjacent to lower density development;
- Encourage densification in areas where existing services can accommodate higher densities; and
- Encourage a wide range of Medium Density Residential housing, including cluster housing and compact housing.

The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification given the proximity to the downtown core. For the reasons mentioned above, staff are recommending that Council support the land use designation change, as provided in this report and refer the application to the October 17, 2017 Public Hearing.

##### Deny/Refer

Council may consider that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendments do not go forward, the property

will be restricted to one duplex with suites if so desired. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### ***Development Variance Permit***

#### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints 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.

*Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.*

- The developer is required to plant trees and shrubs within the landscape buffer area. A 1.5m setback is not enough space to plant sizeable trees. The developer is proposing to plant 6 trees and multiple shrubs throughout the rest of the development to make up for the reduced landscaping in the buffer area. Council has approved similar variances in the past. As shown in *Figure 6 and 7*, the neighbours have sizeable trees and bushes which will act as a buffer from the proposed development. \*NOTE this variance is not to waive the requirement to provide landscaping in the entire development, but only in the buffer area.

*Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.*

- The developer is proposing to reduce the north and south interior yards from 3.0m to 1.5m. If the developer constructed a dwelling with the current RD2 (Duplex Housing: Lane) zoning, a 3-storey duplex or 3-storey single family dwelling with a carriage house could be constructed 1.5m from the interior property lines without a variance. The City is seeing a trend of developer's constructing two duplexes with the same configuration, thus Council has recently approved variances reducing the interior yards from 3.0m to 1.5m. The developer consulted extensively with the neighbours and came forth with a 2-storey proposal based on their recommendations. The side elevations have 3 smaller windows on the second storey which are in the master bedroom and upstairs hallway. This will have less privacy concerns on the neighbours than if it was a living room. For the reasons above it is reasonable to support the variance.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

#### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the 3.0m setback. If this is the case, Council should deny the variances.

### ***Development Permit***

#### Support Development Permit

The subject property is located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although the Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods." The proposed development meets the intent of the bylaw as explained below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.
- The storage for the garbage and recycling carts are screened by fencing.
- The walkways to the city sidewalk provide a pleasant connection to the street.
- The layout creates private amenity space in-between units, away from the street and lane.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

#### Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

#### **Alternate Recommendations**

1. THAT Council give first readings to "OCP Amendment Bylaw No.2017-68" and "Zoning Amendment Bylaw No. 2017-69," but deny support to "Development Variance Permit PL2017-8045 and Development Permit PL2017-8046."
2. THAT Council give first reading to "OCP Amendment Bylaw No. 2017-68" and deny first reading of "Zoning Amendment Bylaw No. 2017-69."

#### **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Photos of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Building Elevations
Attachment G:	Site Plan
Attachment H:	Landscape Plan
Attachment I:	Floor Plans

Attachment J: Renderings  
Attachment K: DVP PL2017-8045  
Attachment L: DP PL2017-8046  
Attachment M: OCP Amendment Bylaw No. 2017-68  
Attachment N: Zoning Amendment Bylaw No. 2017-69

Respectfully submitted,

Randy Houle  
Planner I

Approvals

Director <i>AH</i>	CFO <i>JB</i>
-----------------------	------------------

Attachment A - Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B - OCP Map

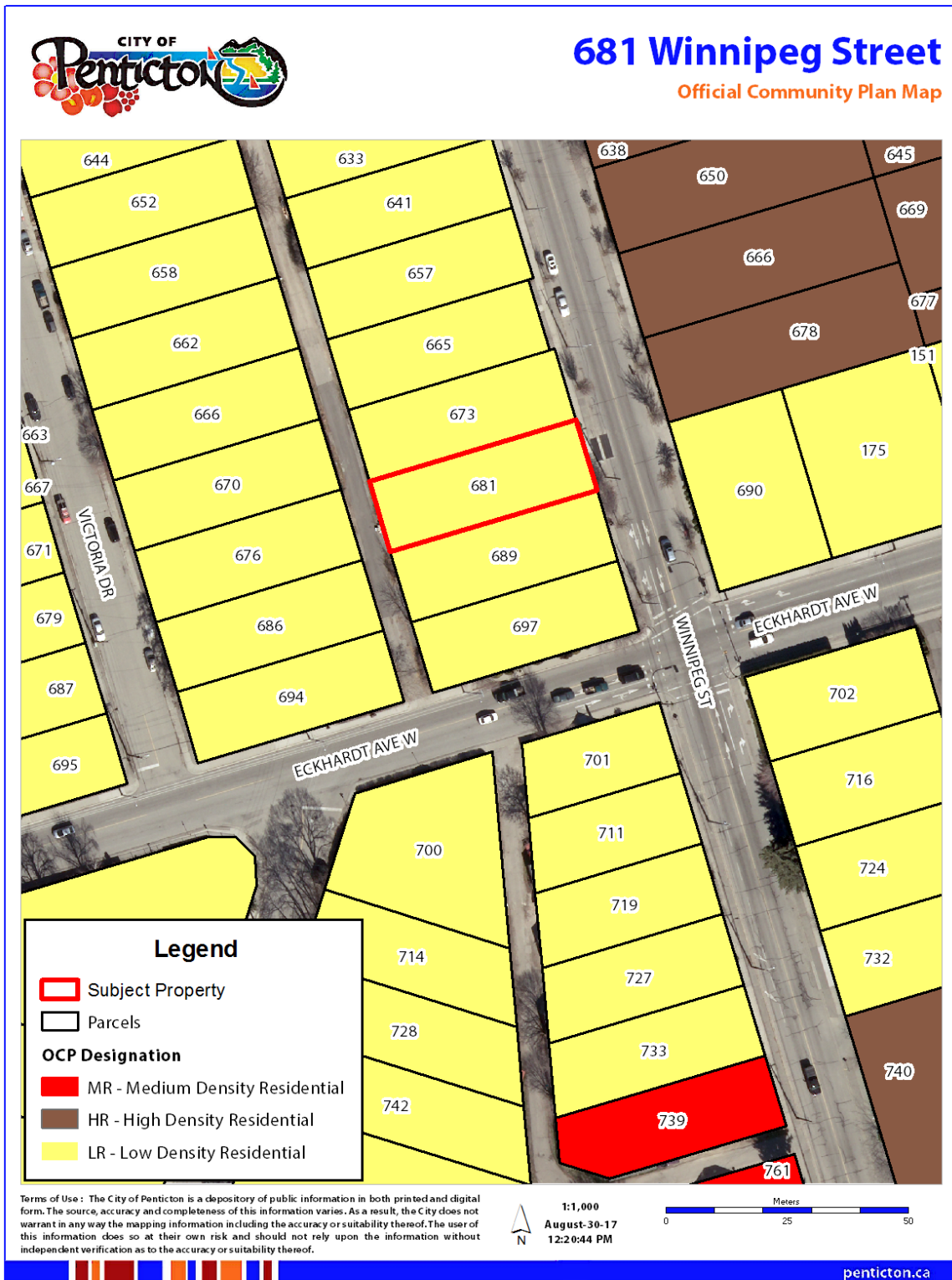


Figure 2: OCP Map

Attachment C - Zoning Map

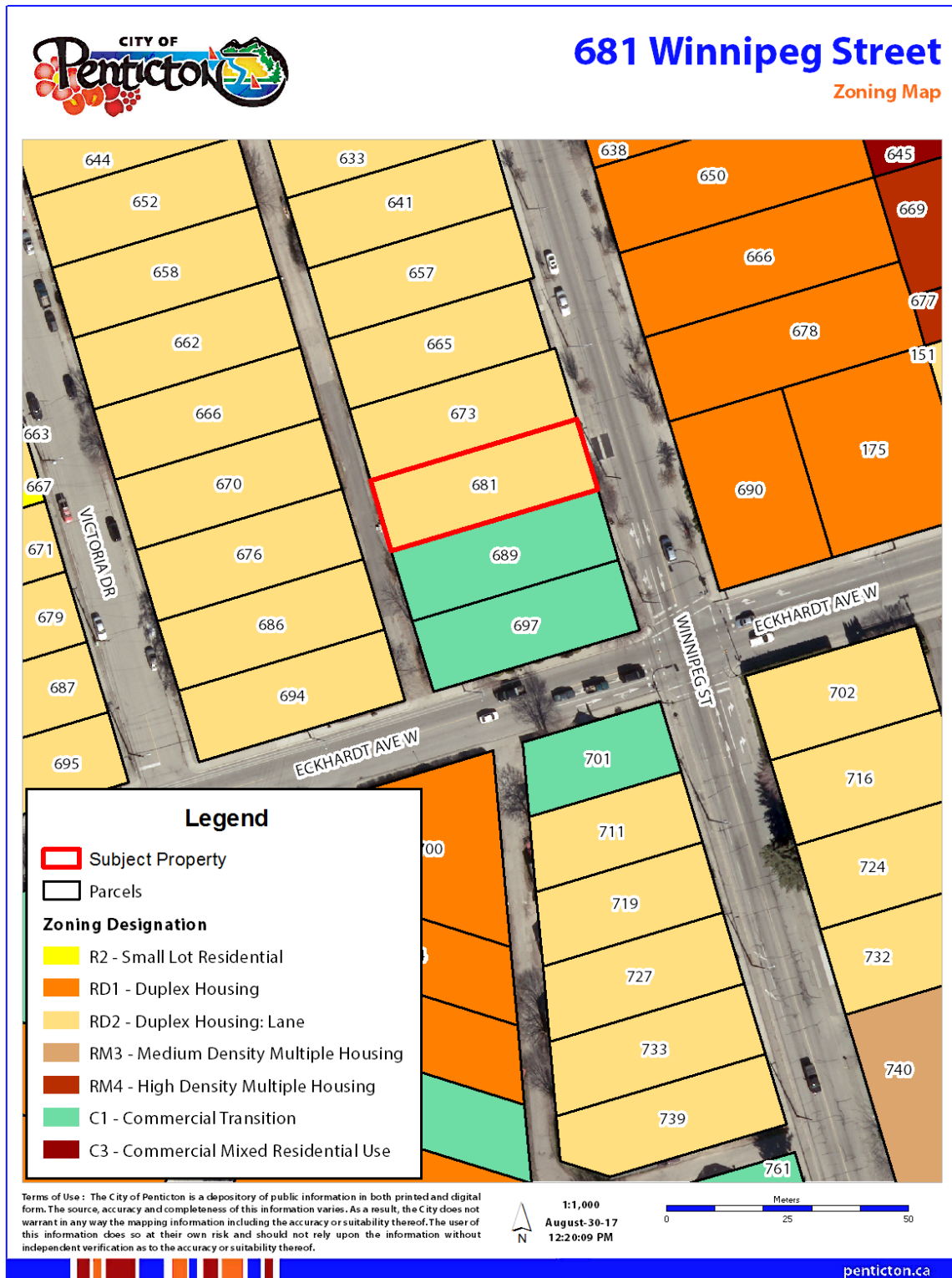


Figure 3: Zoning Map

Attachment D – Photos of Subject Property



Figure 4: East Elevation (From Winnipeg Street)



Figure 5: West Elevation (from lane)



Figure 6: West Elevation showing proximity to neighbours to the North



Figure 7: East Elevation showing proximity to neighbours to the south

Attachment E –Letter of Intent

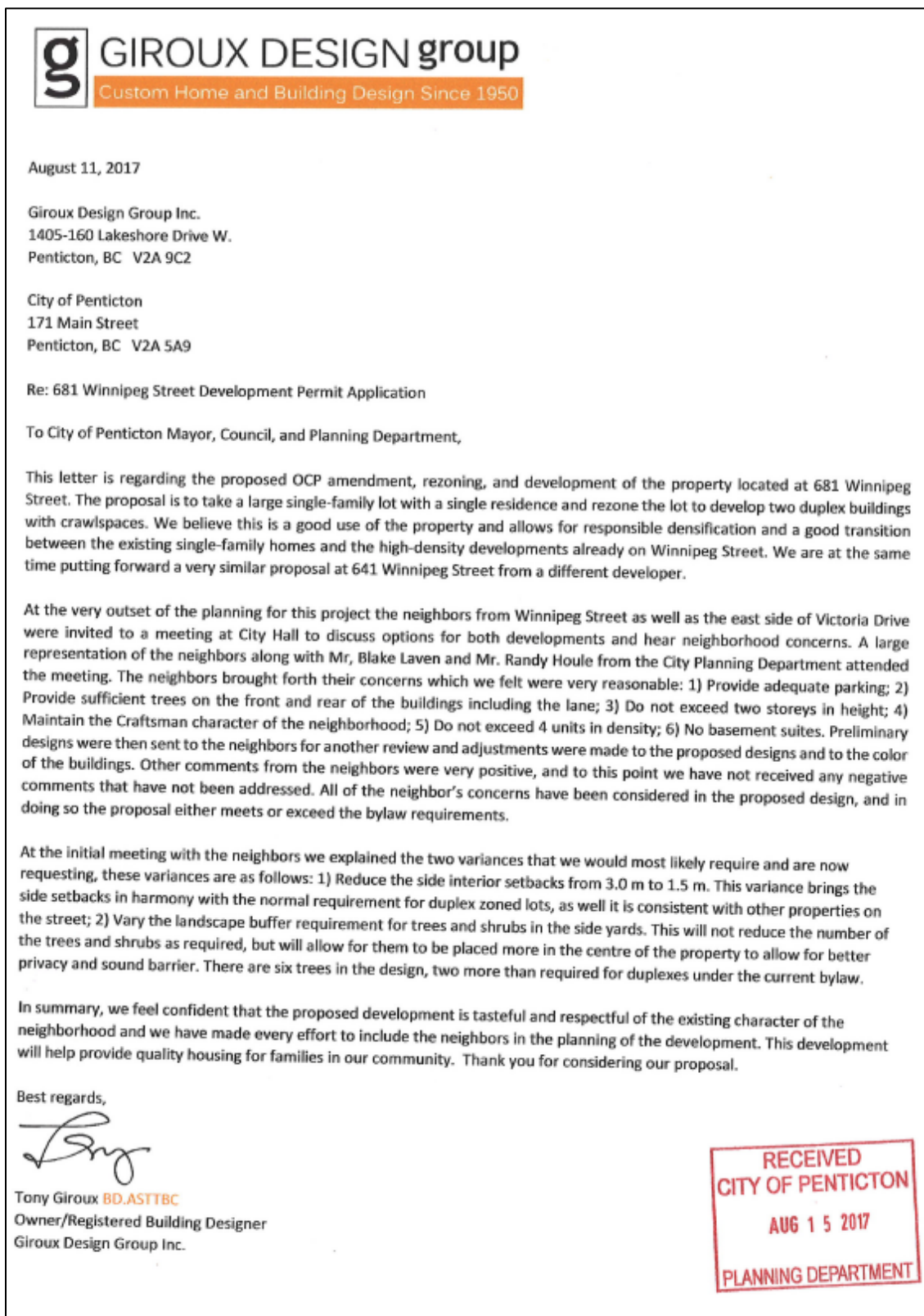


Figure 8: Letter of Intent

### Attachment F – Building Elevations



Figure 9: East Elevation (from Winnipeg Street) & West Elevation (from lane)



Figure 10: Elevation in-between Duplexes

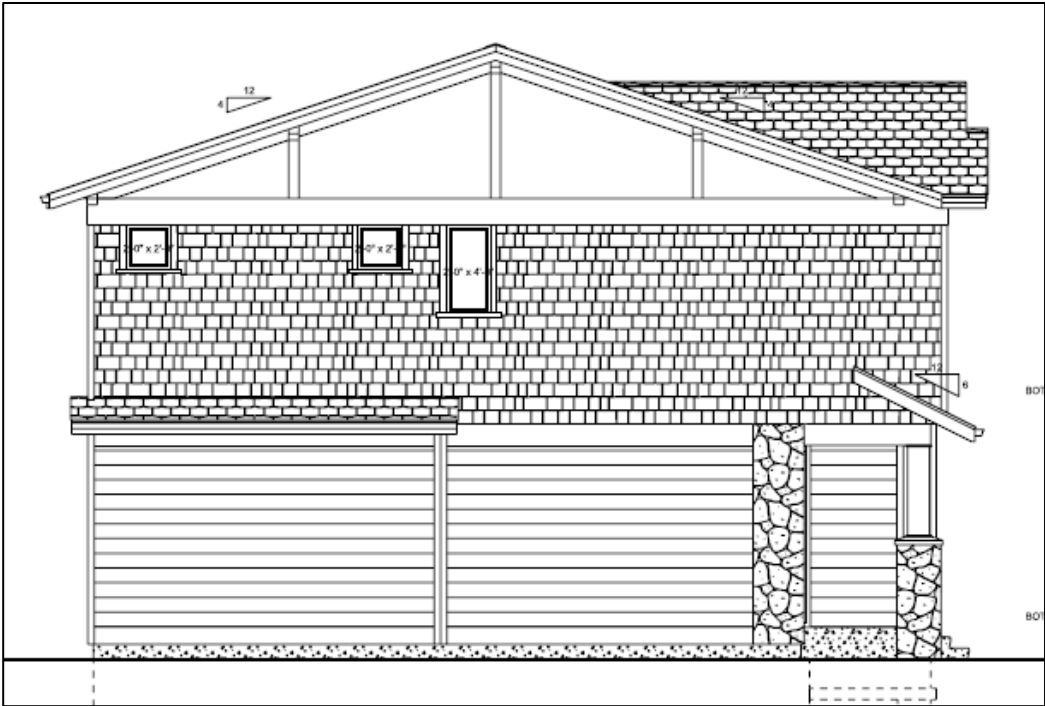


Figure 11: Side Elevation

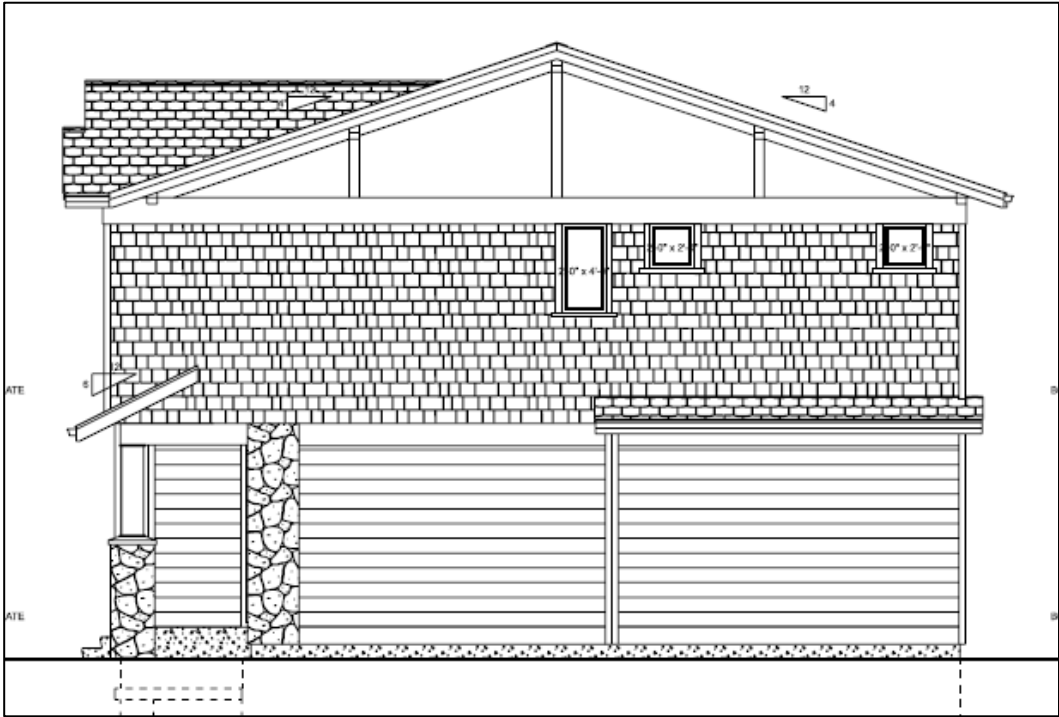


Figure 12: Side Elevation

Attachment G: Site Plan

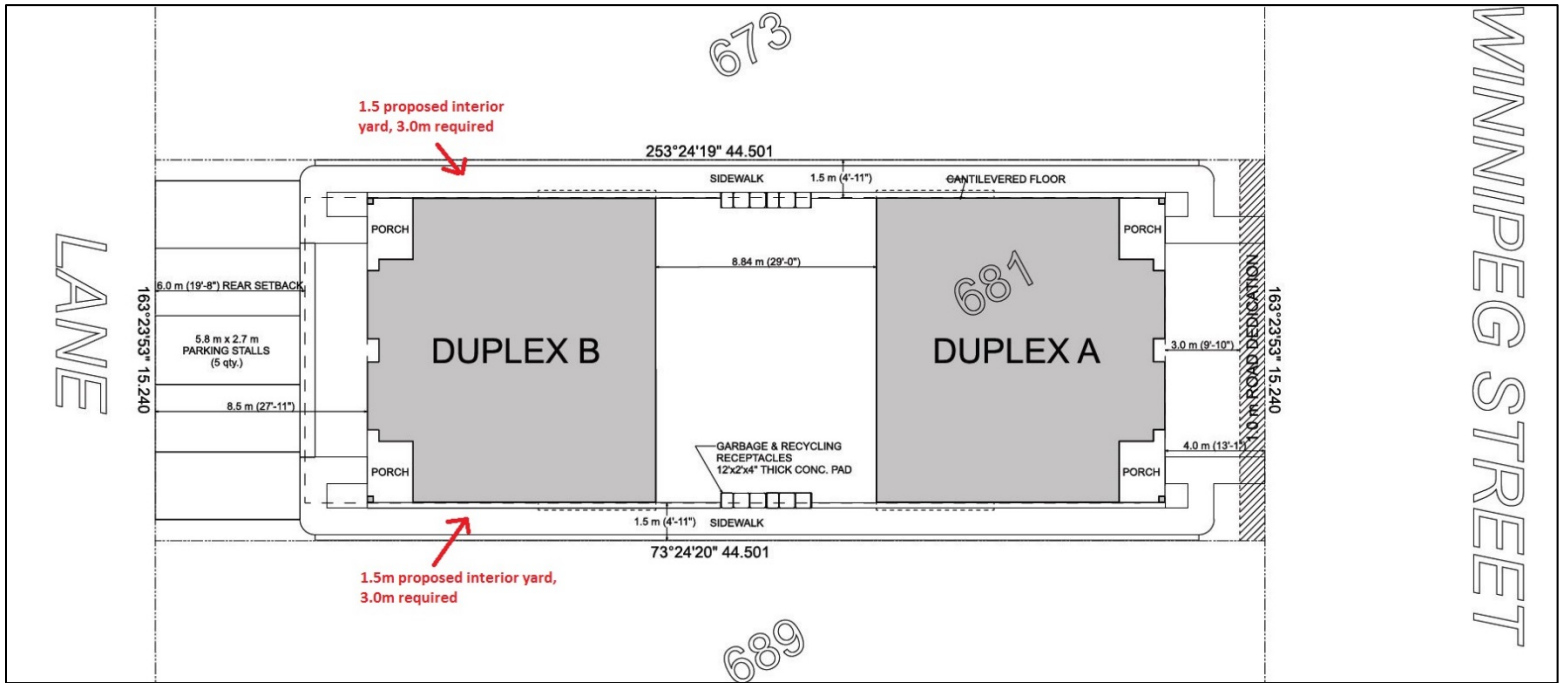
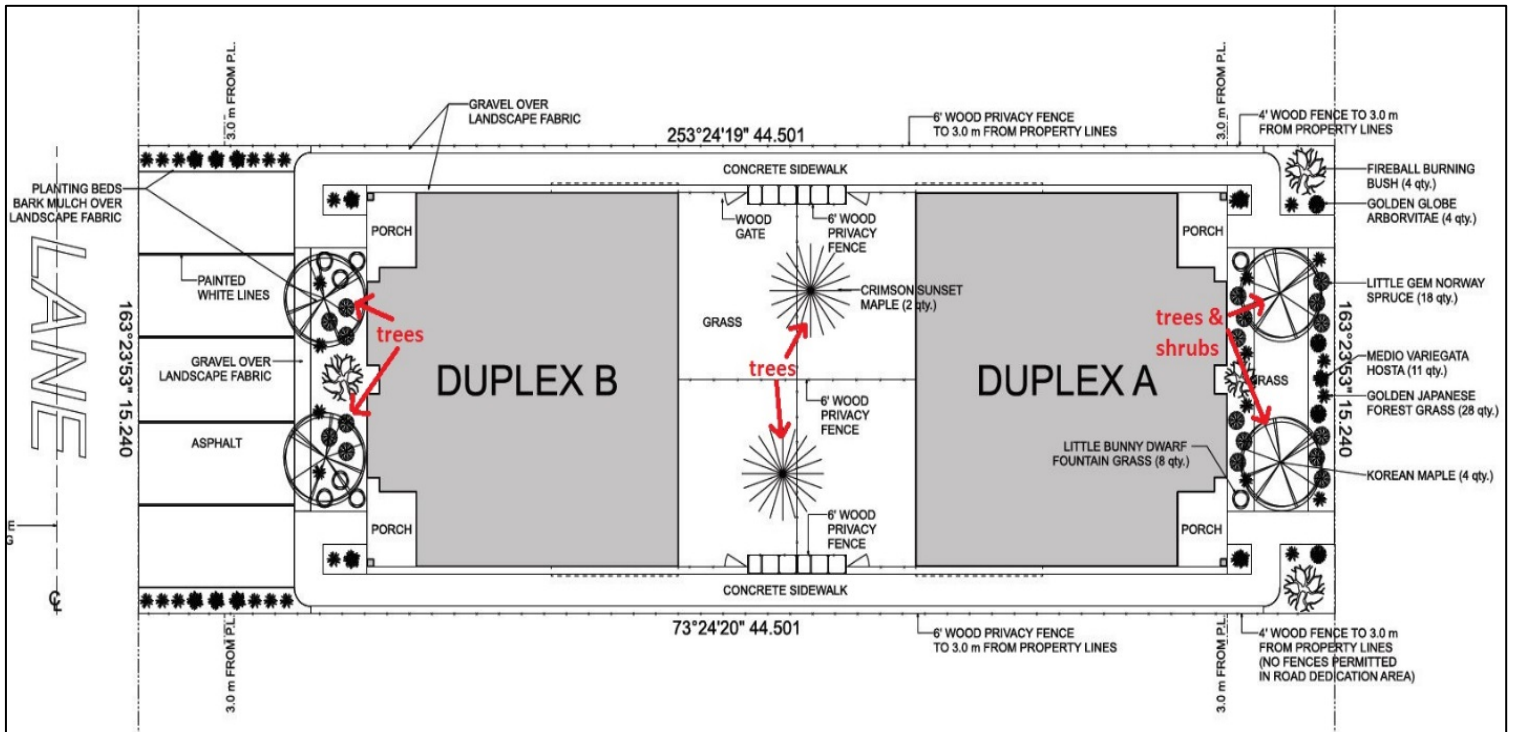


Figure 13: Site Plan

Attachment H: Landscape Plan



**LANDSCAPE SCHEDULE**

**PLANTINGS/LANDSCAPE ITEMS**  
 FIREBALL BURNING BUSH: 4 qty.  
 GOLDEN GLOBE ARBORVITAE: 4 qty.  
 GOLDEN JAPANESE FOREST GRASS: 28 qty.  
 LITTLE BUNNY DWARF FOUNTAIN GRASS: 8 qty.  
 LITTLE GEM NORWAY SPRUCE: 18 qty.  
 MEDIO VARIEGATA HOSTA: 11 qty.

**TREES**  
 KOREAN MAPLE: 4 qty.  
 CRIMSON SUNSET MAPLE: 2 qty.

**HARD SURFACES/GROUND COVER**  
 ASPHALT: 847 sq.ft.  
 CONCRETE SIDEWALKS: 1037 sq.ft.  
 PLANTING BEDS: 952 sq.ft.  
 GRAVEL: 369 sq.ft.  
 LANDSCAPE FABRIC: 1321 sq.ft.  
 GRASS: 1316 sq.ft.

**FENCING**  
 4' HIGH WOOD FENCE - 34 lin.ft.  
 6' HIGH WOOD PRIVACY FENCE - 341 lin.ft.

**NOTE: LANDSCAPING TO INCLUDE UNDERGROUND IRRIGATION SYSTEM ON TIMERS, COMPLETE WITH WATER SENSORS. IRRIGATION TO EXTEND UNDERGROUND TO BOULEVARD TREES.**

Figure 14: Landscape Plan

Attachment I: Floor Plans

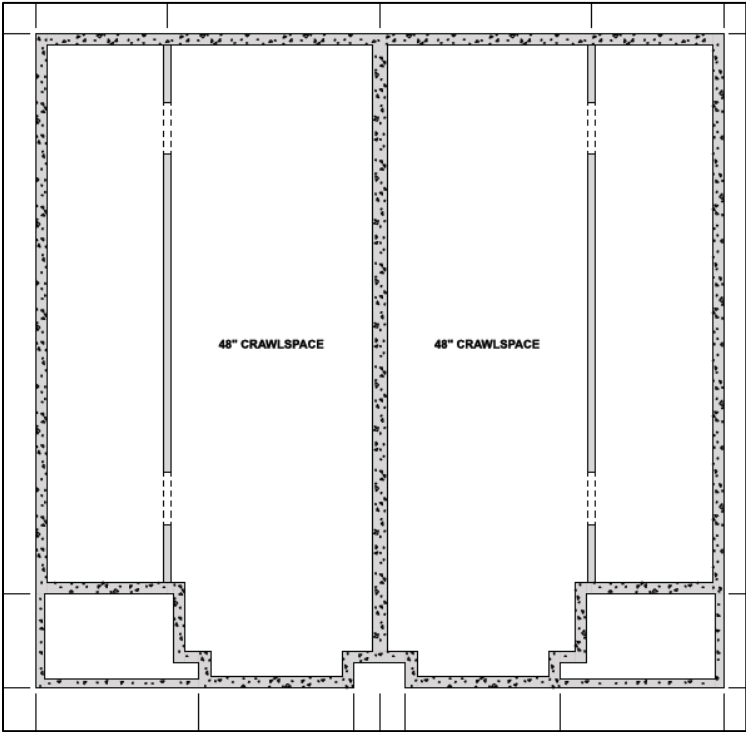


Figure 15: Crawlspace Plan

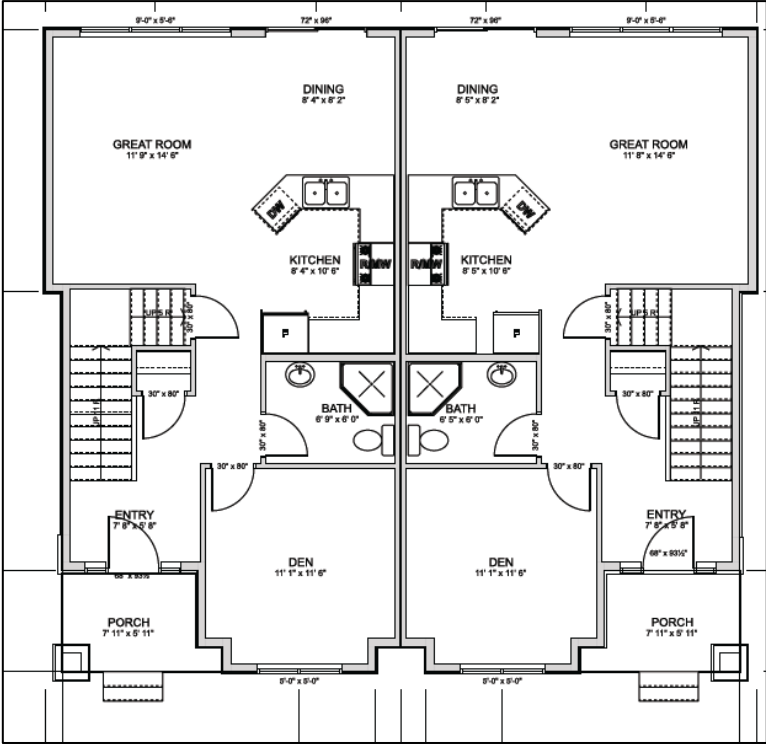


Figure 16: Main Storey Floor Plan

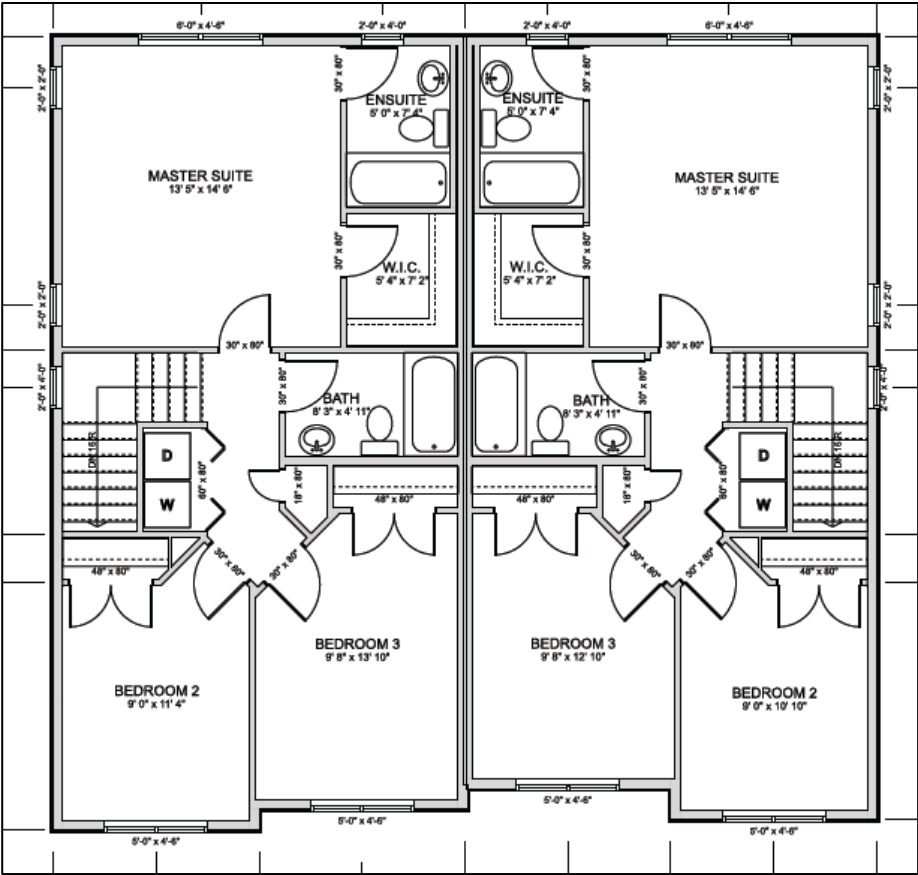


Figure 17: Second Storey Floor Plan

Attachment J: Renderings



Figure 18: View from Winnipeg Street



Figure 19: View from Back Lane




Figure 20: North View



Figure 21: South View

Attachment K: DVP PL2017-8045



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

## Development Variance Permit

**Permit Number: DVP PL2017-8045**

Name:  
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 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804  
Civic: 681 Winnipeg Street  
PID: 012-102-270
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of two duplexes.
  - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
  - Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

**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 \_\_\_\_\_ 2017

Issued this \_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Attachment L: DP PL2017-8046



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## Development Permit

**Permit Number: DP PL2017-8046**

Name:  
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 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804  
Civic: 681 Winnipeg Street  
PID: 012-102-270
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 \$8760.00 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 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 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> 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 \_\_\_\_\_, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

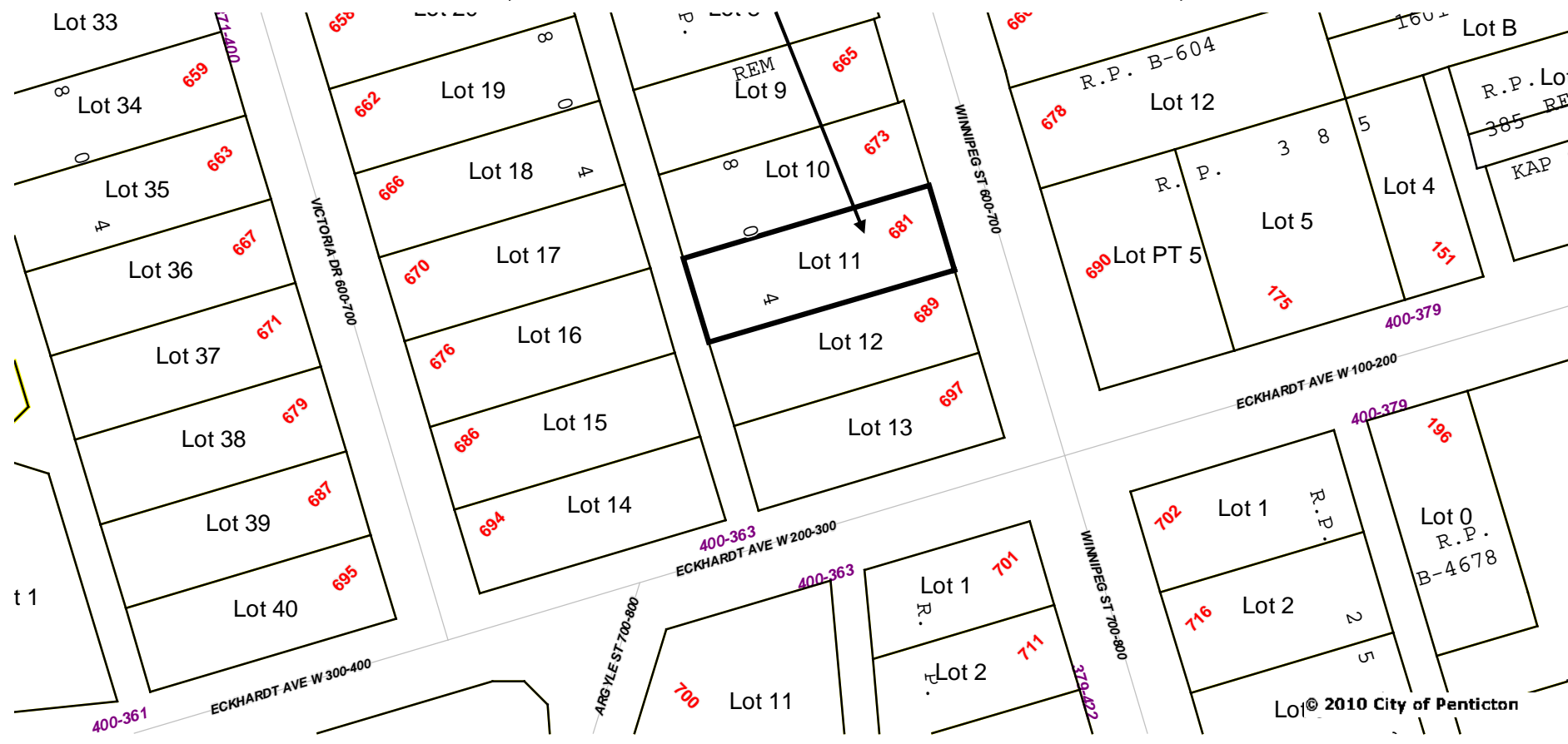
\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

|



# Amend 'Schedule B: Future Land Use Map' of OCP Bylaw 2002-20

## To change the OCP designation of 681 Winnipeg Street From LR (Low Density Residential) To MR (Medium Density Residential)



### City of Penticton – Schedule 'A'

### Official Community Plan Amendment Bylaw No. 2017-68

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

Bylaw No. 2017-69

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-69".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 11, District Lot 4 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_\_ day of \_\_\_, 2017 and the \_\_\_ day of \_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Rezone 681 Winnipeg Street From RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-69

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

# Council Report

penticton.ca

**Date:** October 3, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 1273 Government Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-70**  
**Development Variance Permit PL2017-8048**  
**Development Permit PL2017-8049**

File Nos: RZ PL2017-8047  
DVP PL2017-8048  
& DP PL2017-8049

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-70," a bylaw to Rezone Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 17, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-70," a 2.3m road dedication along the east property line (Government Street) is registered with the Land Title Office.

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-8048" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum rear yard from 6.0m to 3.0m, be heard at the October 17, 2017 Public Hearing.

AND THAT Council consider "DVP PL2017-8048" following the adoption of "Zoning Amendment Bylaw No. 2017-70."

### *Development Permit*

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-70", approve "Development Permit PL2017-8049" for Lot 63 District Lot 250 Similkameen Division Yale District Plan 881, located at 1273 Government Street, a permit that allows for the construction of a four-unit townhouse.

## Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the sites are included as Attachment D. The subject property is 588.6m<sup>2</sup> (6,336ft<sup>2</sup>) and features a single-family dwelling which will be demolished. The

surrounding properties are primarily zoned R2 (Small Lot Residential), RD1 (Duplex Housing) and C1 (Commercial Transition). Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential).

**Proposal**

The applicant is proposing to construct a four-unit townhouse. Since the proposed use is not permitted in the R2 (Small Lot Residential) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
- Section 10.8.2.9: to reduce the minimum rear yard from 6.0m to 3.0m.

Lastly, the property is located within the General Multiple Family Development Permit area and requires approval for the form and character of the townhouse and to address landscaping requirements.

**Financial implication**

N/A

**Technical Review**

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The condition of the lane is adequate but some minor repair may be required during driveway construction. It has been determined that a 2.3m road widening on the subject property will help to achieve the ultimate desired 20.0m width of Government Street. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

**Development Statistics**

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

Item	Requirement RM2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	38%
<b>Maximum Density:</b>	0.8 FAR	0.73 FAR
<b>Minimum Lot Width:</b>	18.0m	17.556m* (see below)
<b>Minimum Lot Area:</b>	540m <sup>2</sup>	588.6m <sup>2</sup>
<b>Vehicle Parking:</b>	1 space per dwelling unit + 0.25 per unit for visitors (5 total)	5 spaces

<b>Required Setbacks</b>		
Front yard (east, Government Street):	3.0m	3.0m
Rear yard (west):	6.0m	3.0m (variance required)
Interior yard (north)	3.0m	3.0m
Interior yard (south, lane):	3.0m	5.1m
<b>Maximum Building Height:</b>	12.0m	7.1m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (80m <sup>2</sup> total)	96m <sup>2</sup>
<b>Other Information:</b>	<p>- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

## Analysis

### Zoning Amendment

#### Support "Zoning Amendment Bylaw No. 2017-70"

The OCP designation for this site is MR (Medium Density Residential), which supports townhouse development. Although we have not seen much multiple family development in this area, it is envisioned by the OCP for more density along Government Street. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools, hospital, parks and nearby services encourages more walking and active forms of transportation.
- The current proposal will convert an aging single family dwelling into four units in a time with low vacancy rates.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development meets the requirements of the zoning bylaw. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-70" and forward the application to the October 17, 2017 Public Hearing for comments from the public.

#### Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that a duplex may be better suited for the property. If this is the case, Council should deny the bylaw amendment. Alternatively,

Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### ***Development Variance Permit***

#### Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints 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.

*Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.*

- As per the zoning bylaw, 1 tree for every 10.0 linear meters and 1 shrub per linear meter is required in a landscape buffer area. The buffer area is a 3.0m wide area abutting single family or duplex zones. In the proposed development, 5 trees and 51 shrubs are required to be planted in the north and west landscape buffer area. The developer is proposing 4 trees and 11 shrubs within that area. Instead of shrubs, the developer is proposing a grass amenity area in the backyards. The developer has provided several trees and shrubs throughout the rest of the development. A 6-foot fence is proposed along the west and north property lines which will reduce the impact on the neighbours. Council has recently approved similar variances in the past. NOTE\* This variance is not to waive the requirements for landscaping on the property but only to waive the requirement for landscaping in the buffer area.

*Section 10.8.2.9: to reduce the minimum rear yard from 6.0m to 3.0m.*

- In the RM2 zone, a 6.0m minimum rear yard is required. The applicant is proposing to reduce the minimum yard to 3.0m to increase the living area of the townhouses. This rear yard will be a storage area for bikes, kayaks, recycling and garbage containers. It will be screened by a 6-foot high privacy fence. It is not anticipated that this will be a high traffic area thus helping to mitigate the privacy concerns for the adjacent neighbours to the west. Additionally, the proposed two-storey building height is less than the three storeys permitted which is consistent with the adjacent building to the north. The west proposed building elevation (Figure 11) has two small windows in the master bedroom which may cause a small privacy concern but this impact is unlikely to be significant as opposed to the space being used as a living room for example. For these reasons above it is reasonable to support the variance.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

#### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the size of the townhouse and plant more trees and shrubs in the buffer area. If this is the case, Council should deny the variances.

## **Development Permit**

### Support Development Permit

The subject property is in the General Multiple Family Development Permit Area. As such, a development permit is required prior to construction. The objective of this DPA is to ensure that siting, form, character and landscaping of new development and exterior renovations and additions to existing buildings are compatible with the context of the surrounding neighbourhood and that site access, parking, storage and landscaping matters are satisfactory resolved and development is of high aesthetic quality. In this DPA, there is an emphasis on the following design considerations:

- Buildings should show varied rooflines and thoughtful architectural articulation to create visual interest which is the case in the current proposal.
- All waste disposal bins should be completely screened within an enclosure. The proposed development addresses this by storing the garbage and recycling bins in the west yard, hidden from view.
- Townhouse developments should front or appear to front onto adjacent roadways through appropriate building exteriors and walkways to the street. Even though the proposed townhouse primarily fronts the lane, the east elevation appears to front Government Street with a walkway from the sidewalk.
- Landscaping shall be of high quality and aesthetic value which is the case in the current proposal.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

### Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

## **Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-70" and deny support for DVP PL2017-8048 & DP PL2017-8049.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-70" but deny support for DVP PL2017-8048 & DP PL2017-8049.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-70" and support DVP PL2017-8048 & DP PL2017-8049 with conditions that Council feels are appropriate.

## **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations

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Attachment K: Development Variance Permit PL2017-8048  
Attachment L: Development Permit PL2017-8049  
Attachment M: Zoning Amendment Bylaw No. 2017-70

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS  <i>AH</i>	CFO  JB
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

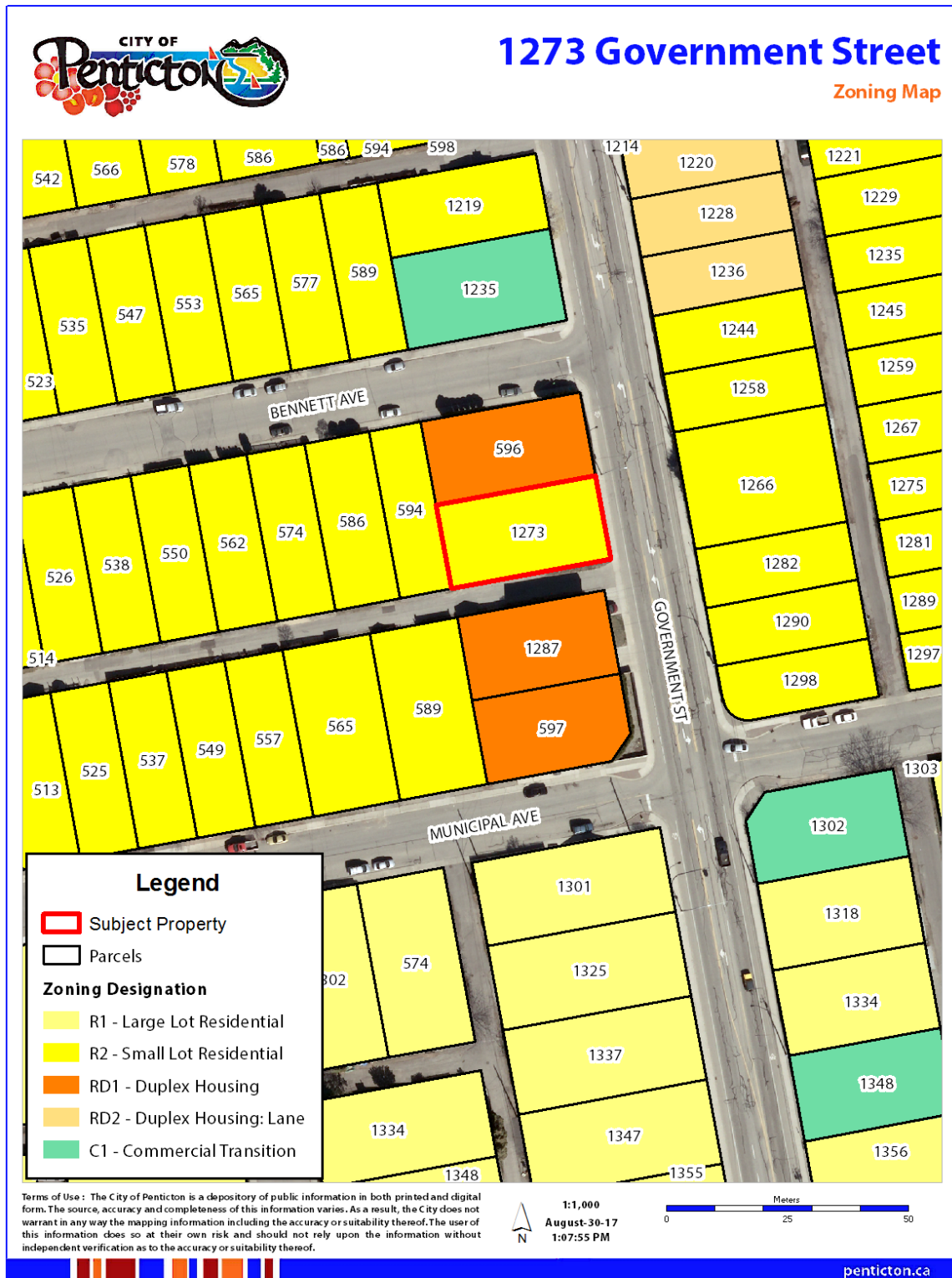


Figure 2: Zoning Map

Attachment C- OCP Map

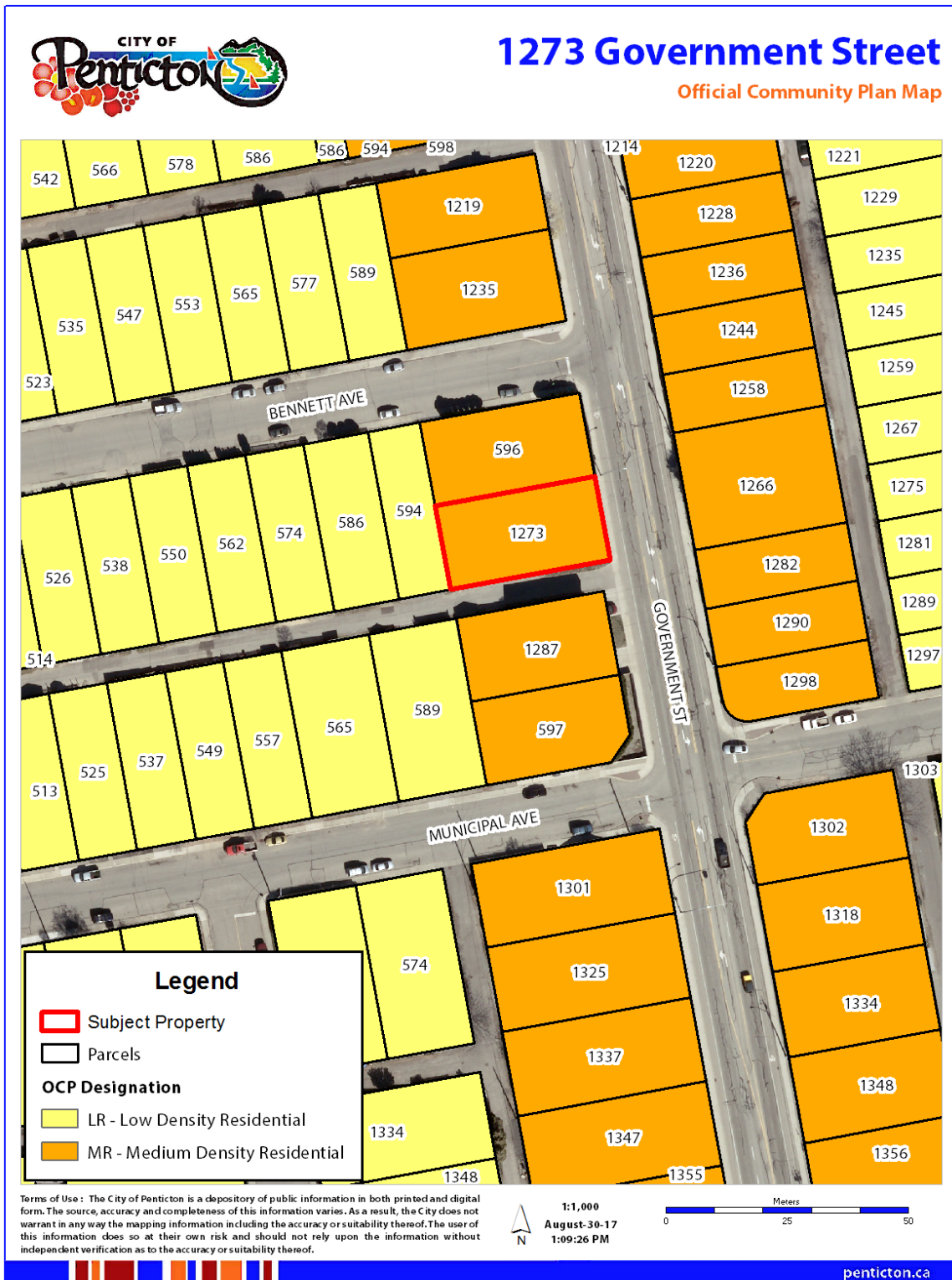


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of Existing Dwelling (from Government Street)



Figure 5: South View (from lane)



Figure 6: East View showing proximity to adjacent duplex



Figure 7: South View of current back yard

Attachment E - Site Plan

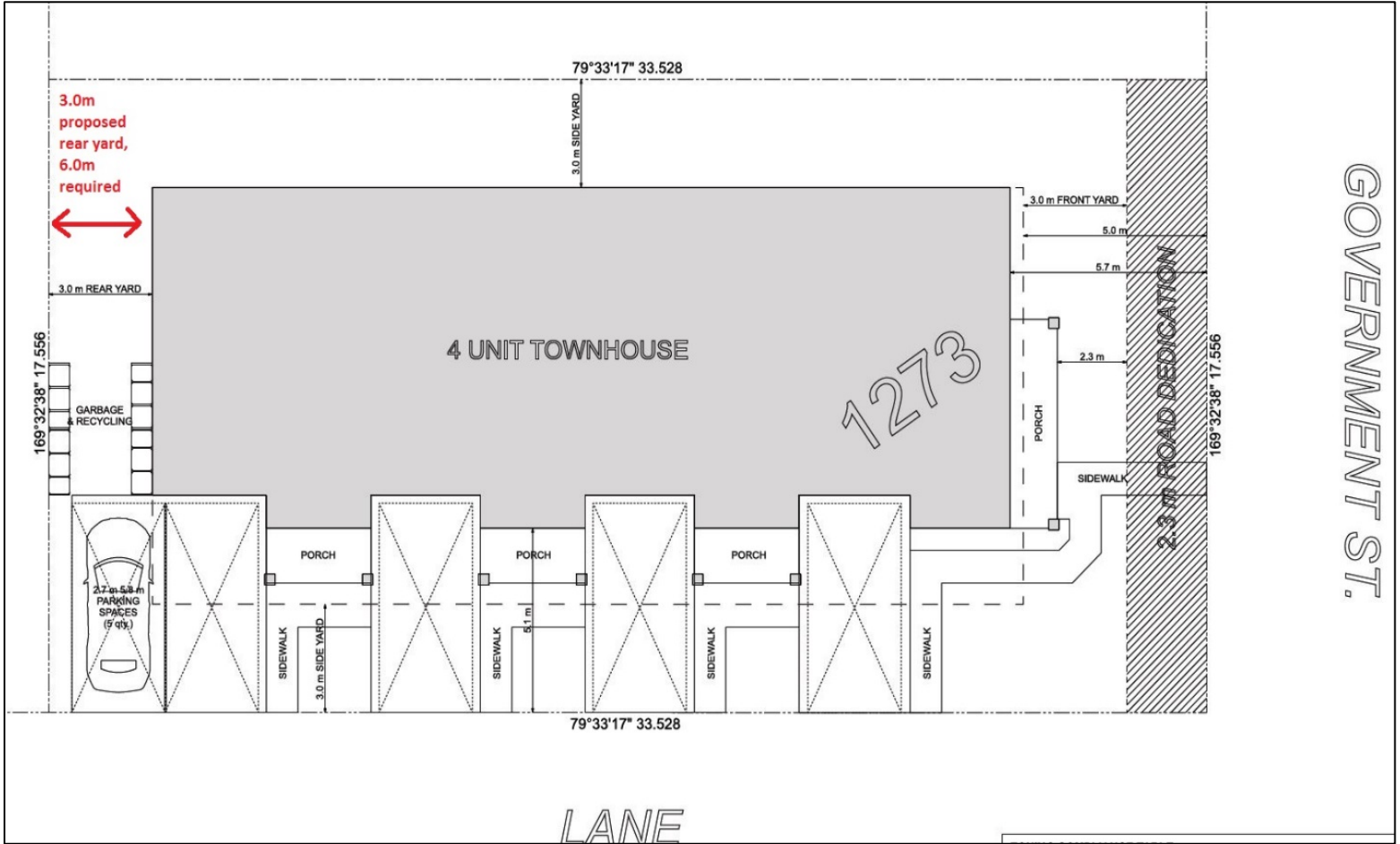


Figure 8: Site Plan

Attachment F – Elevations

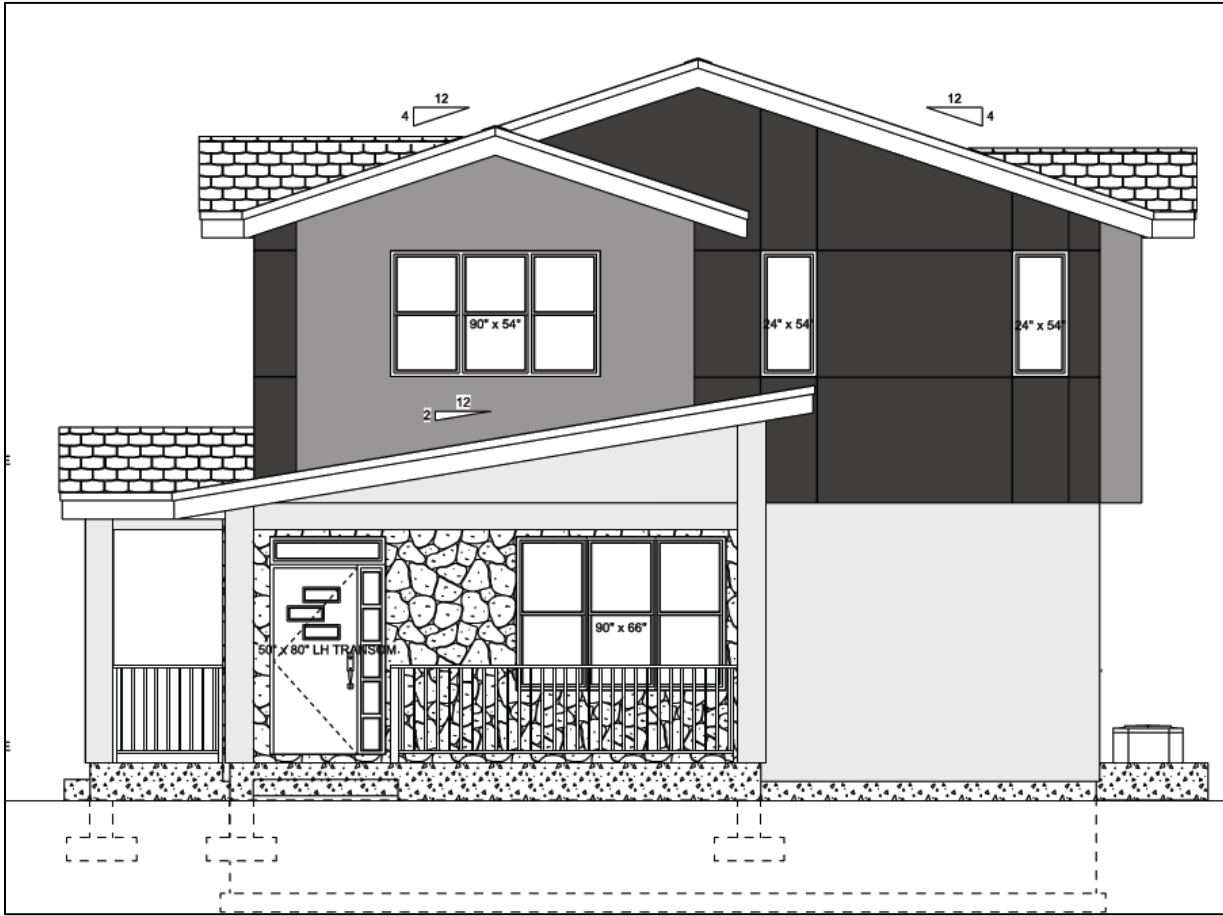


Figure 9: East Elevation (from Government Street)



Figure 10: South Elevation (from lane)

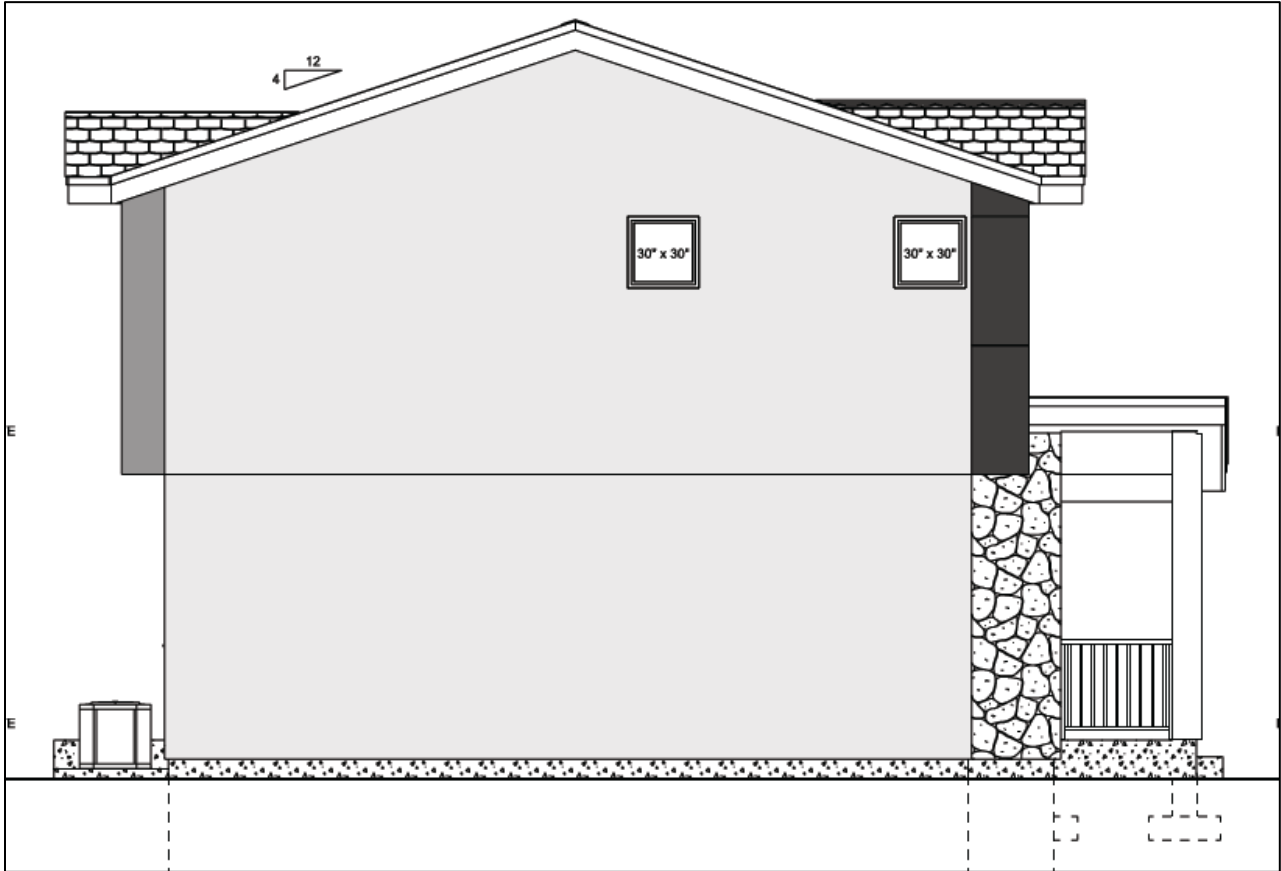


Figure 11: West Elevation



Figure 12: North Elevation (from duplex)

Attachment G – Renderings



Figure 13: East Rendering



Figure 14: South Rendering (from lane)

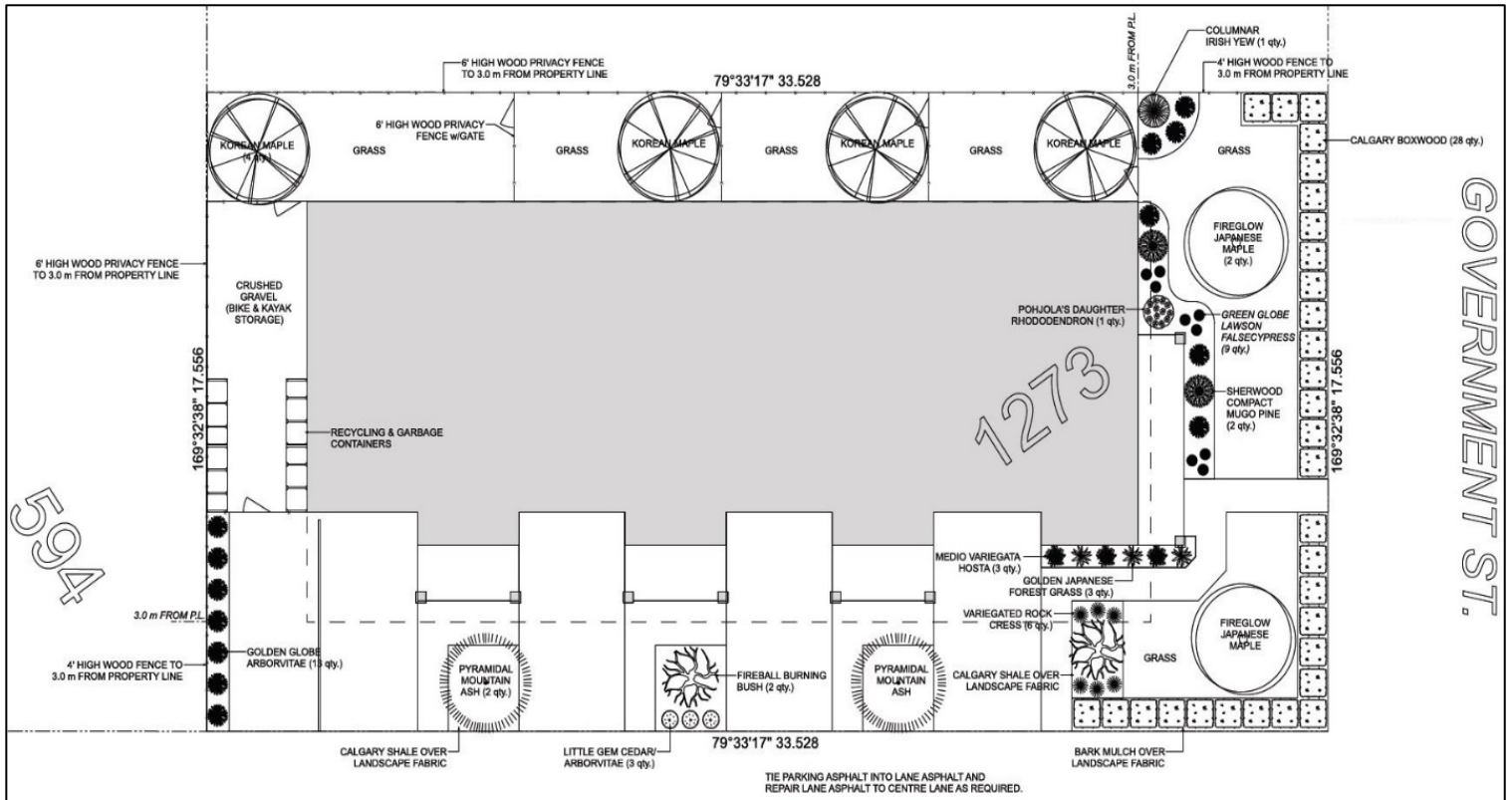


Figure 15: North Rendering



Figure 16: West Rendering

Attachment H – Landscape Plan



**LANDSCAPE SCHEDULE**

**PLANTINGS/LANDSCAPE ITEMS**

- CALGARY BOXWOOD: 30 qty.
- COLUMNAR IRISH YEWE: 1 qty.
- FIREBALL BURNING BUSH: 2 qty.
- GOLDEN GLOBE ARBORVITAE: 13 qty.
- GOLDEN JAPANESE FOREST GRASS: 3 qty.
- GREEN GLOBE LAWSON FALSECYPRESS: 9 qty.
- LITTLE GEM CEDAR/ARBORVITAE: 3 qty.
- MEDIO VARIEGATA HOSTA: 3 qty.
- POHJOLA'S DAUGHTER RHODODENDRON: 1 qty.
- SHERWOOD COMPACT MUGO PINE: 2 qty.
- VARIEGATED ALPINE ROCK CRESS: 6 qty.

**TREES**

- FIREGLOW JAPANESE MAPLE: 2 qty.
- KOREAN MAPLE: 4 qty.
- PYRAMIDAL MOUNTAIN ASH: 2 qty.

**HARD SURFACES/GROUND COVER**

- ASPHALT: 983 sq.ft.
- CONCRETE SIDEWALKS: 336 sq.ft.
- BARK MULCH: 274 sq.ft.
- GRAVEL: 227 sq.ft.
- CALGARY SHALE: 354 sq.ft.
- LANDSCAPE FABRIC: 1210 sq.ft.
- GRASS: 1480 sq.ft.

**FENCING**

- 4' HIGH WOOD FENCE: 14 lin.ft.
- 6' HIGH WOOD PRIVACY FENCE: 188 lin.ft.

**NOTE: LANDSCAPING TO INCLUDE UNDERGROUND IRRIGATION SYSTEM ON TIMERS, COMPLETE WITH WATER SENSORS.**

Figure 17: Landscape Plan

### Attachment I- Floor Plans

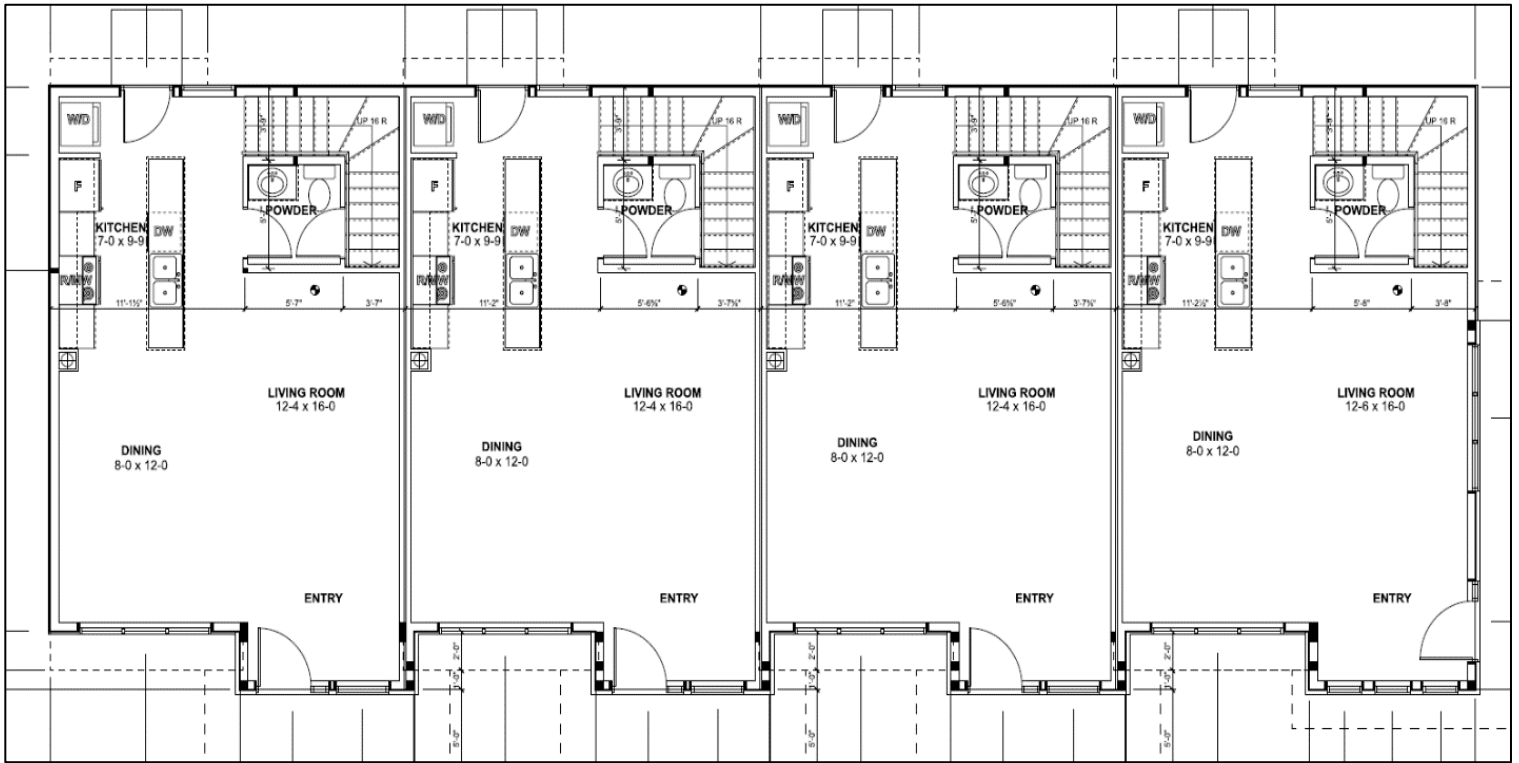


Figure 18: Main Floor Plan

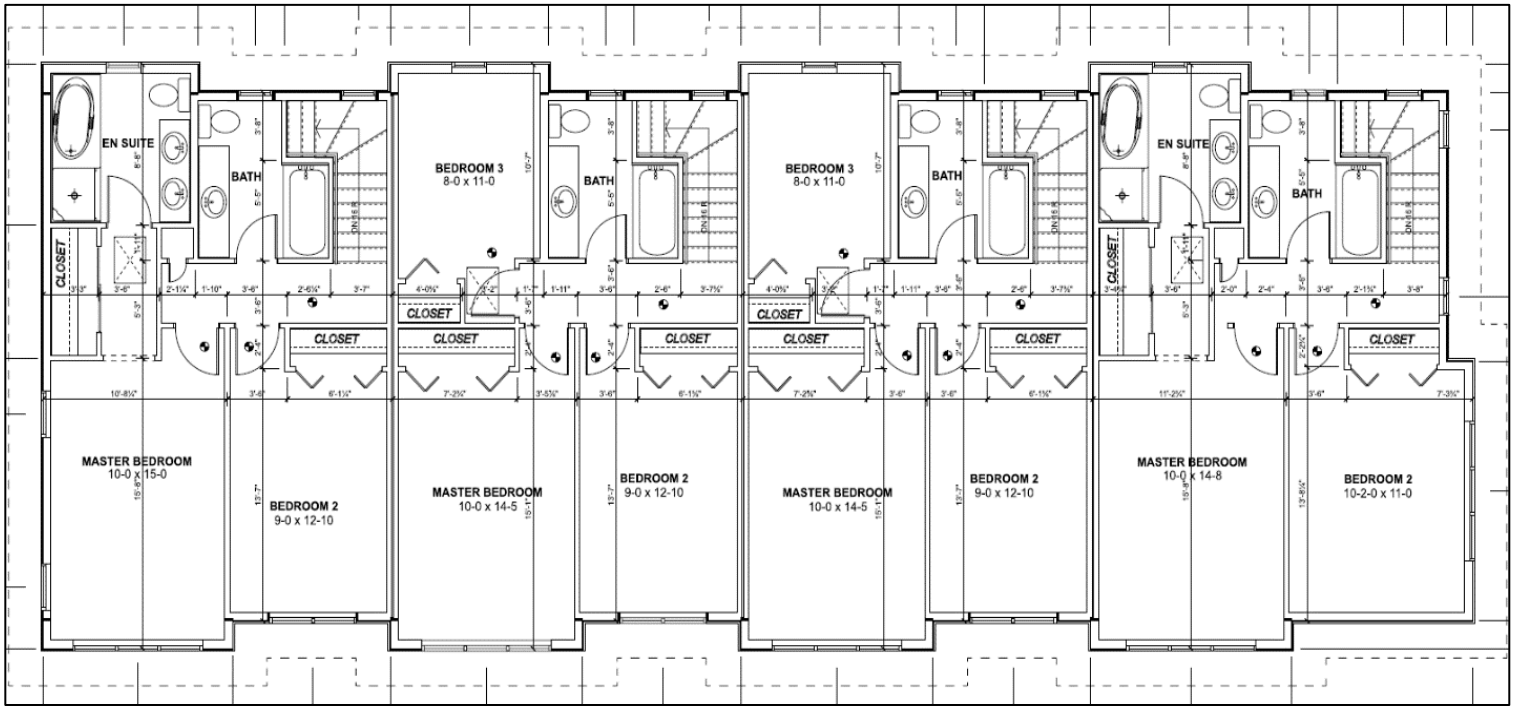


Figure 19: Second Storey Plan

Attachment J - Letter of Intent



August 15, 2017

Giroux Design Group Inc.  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 1273 Government Street Development Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the Development Permit Application for 1273 Government Street and the proposal to build a four-unit townhouse. Currently the OCP for the property is MR which allows for the proposed rezoning to RM2, the current zoning is R2. At present there is a single family dwelling on a large lot with lane frontage along the length of the property. The area is close to the hospital, shopping and schools, and is well suited for densification of this nature.

Two variances are proposed as follows: 1) Reduce the rear yard setback from 6.0 m to 3.0 m. This is mostly required due to the 2.0 m road dedication at the front of the property. The 3.0 m setback will allow for adequate space between the neighboring property and the townhouse. 2) Remove the landscape buffer requirement. This is to allow for the placement of more shrubs in the front yard along Government Street and along the lane. The proposed landscape design has more trees and shrubs than are required, however it makes more sense to place most of them outside of the 3.0 m buffer area. This will not reduce privacy to the neighboring homes, but will allow for a more attractive street and lane appearance.

We are pleased to bring forward this application to staff and Council as we believe, along with other recent projects, it will continue to enhance Government Street and provide more family housing in our community. Thank you for considering our proposal.

Best regards,

A handwritten signature in black ink, appearing to read 'Tony Giroux', is written over a light blue horizontal line.

Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group Inc.

Figure 20: Letter of Intent

Attachment K - Development Variance Permit PL2017-8048



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

## Development Variance Permit

**Permit Number: DVP PL2017-8048**

Name:  
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 63 District Lot 650 Similkameen Division Yale District Plan 881  
Civic: 1273 Government Street  
PID: 011-992-255
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construct of a four-unit townhouse.
  - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
  - Section 10.8.2.9: to reduce the minimum rear yard from 6.0m to 3.0m.

### 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 \_\_\_\_\_ 2017

Issued this \_\_\_ day of \_\_\_\_\_, 2017

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Dana Schmidt,  
Corporate Officer

Attachment L - Development Permit PL2017-8049



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

## Development Permit

**Permit Number: DP PL2017-8049**

Name:  
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 63 District Lot 650 Similkameen Division Yale District Plan 881  
Civic: 1273 Government Street  
PID: 011-992-255
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a townhouse development, 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 \$7600.00 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 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 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> 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 \_\_\_\_\_, 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

**Bylaw No. 2017-70**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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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 2017-08;

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. 2017-70".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 63, District Lot 250 Similkameen Division Yale District, Plan 881, located at 1273 Government Street 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	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2017 and the \_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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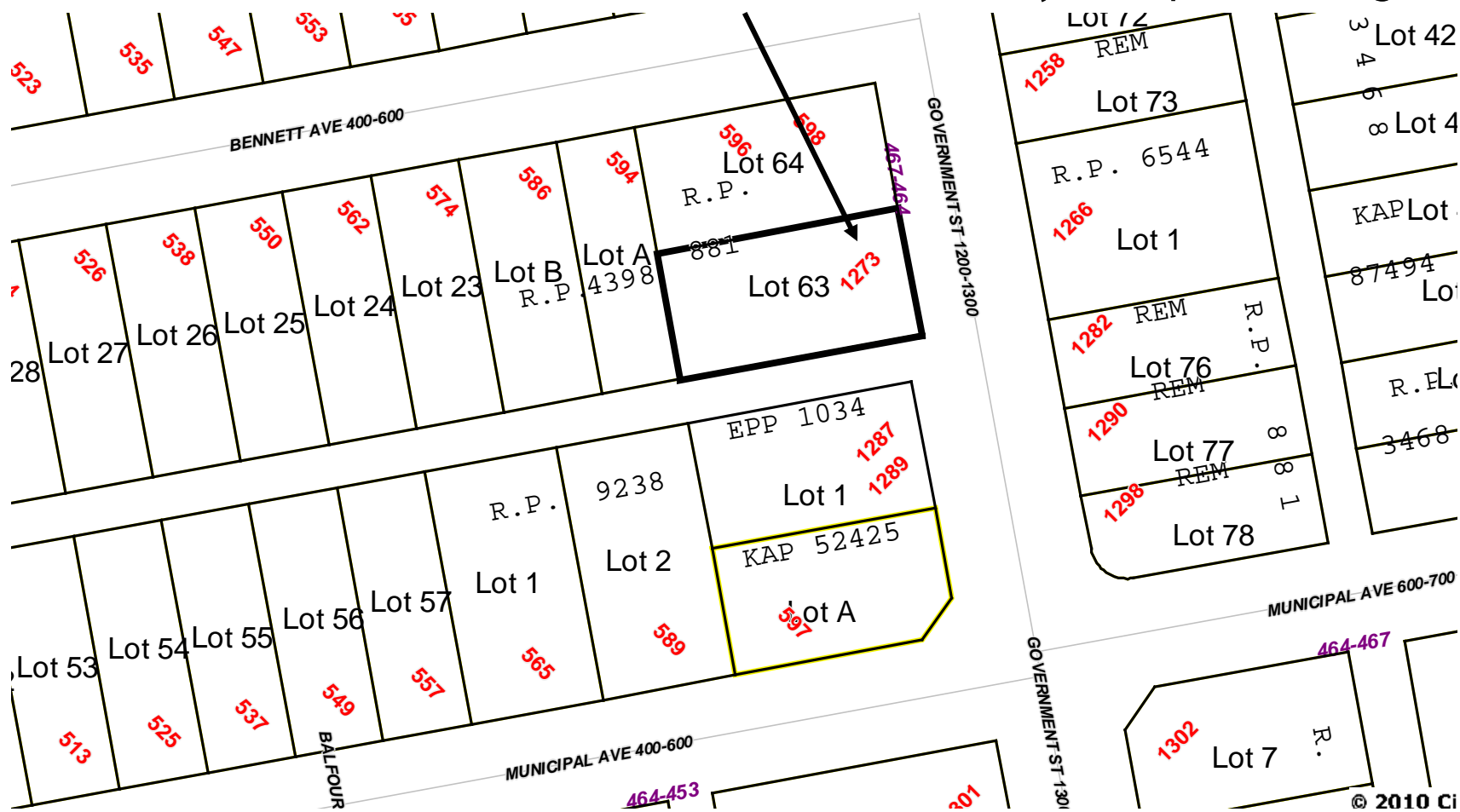
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

# Rezone 1273 Government Street

## From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



### City of Penticton – Schedule 'A'

### Zoning Amendment Bylaw No. 2017-70

Date: \_\_\_\_\_ Corporate Officer: \_\_\_\_\_